

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

August 10, 1998

OFFICE OF
MANAGING DIRECTOR

Mr. Joseph Buerry
President
Concord Area Broadcasting
5552 Pamplona Court
Concord, CA 94521

RECEIVED

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Request for Waiver of Regulatory Fee

Dear Mr. Buerry:

This is in response to your request for a waiver of the Fiscal Year (FY) 1997 regulatory fee for AM Radio Station KRHT, Concord, California, licensed to Concord Area Broadcasting. You argue that the Commission's waiver of Concord Area Broadcasting's FY 1994 fee because the station had been dark, indicates that the FY 1997 fee would be a financial hardship.

The waiver request is untimely. In waiving the FY 1994 fee, the Commission specifically stated the waiver would "remain in effect until [the] Radio Station . . . is reactivated." On August 1, 1997, the Commission issued a Public Notice, FY 1997 Mass Media Regulatory Fees, to all licensees, advising them of their FY 1997 regulatory fee obligations. Licensees were notified that fee payments were to be received by the Commission by September 19, 1997; they were advised of their rights to request waivers, reductions and deferments of the regulatory fees; and that requests for deferment of the fees were also to be filed by September 19, 1997. The public notice notified licensees that the Commission would "invoke any lawful authority it may possess under the Debt Collection Act to collect any fees due or outstanding against any licensee failing to meet its regulatory fee payment obligations." The Commission in establishing the regulatory fee program said that it would "accept petitions for waiver, reduction and deferments [of the regulatory fees] so long as they are filed no later than the date payment is due." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5345 ¶ 34 (1994). On March 20, 1998, Concord Area was advised by letter that the Commission had no record for the payment of its FY 1997 regulatory fee for Station KRHT, and that the licensee was to either submit payment or proof of payment within 20 days.

While the Commission will consider timely filed waiver requests, a review of the Commission's records indicate that you have made no attempt to show why you could not have filed KRHT's waiver request in a timely manner. Your failure to comply with the Commission's filing rules, has added to the Commission's

Mr. Joseph Buerry

2.

regulatory burden and you have not made a compelling showing of why the Commission should consider your untimely waiver request. Thus, your request for waiver of the FY 1997 regulatory fees is dismissed.

Payment of the FY 1997 regulatory fee of \$1,800 for Radio Station KRHT is now due. The \$1,800 fee should be filed together with a Form FCC 159 (copy enclosed) within 15 days from the date of this letter. You are cautioned, that the failure to submit payment as required, will result in the imposition of a 25% late payment penalty, and the initiating of a proceeding to recover the fees pursuant to the provisions of the Debt Collection Act.

If you have any questions concerning the fee payment, please call the Chief, Fee Section at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Reger", with a stylized flourish at the end.

Mark Reger
Chief Financial Officer

Enclosure

000000BCB-98-042

Waiver

JEAN

WAIVER

Chet STA

REC
APR 20 2

FCC
FEES SECTION

Claudette Pride
Chief FCC Fee Section
Federal Communications Commission
1919 M Street NW Room 452
Washington DC 20554

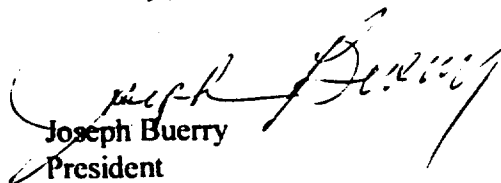
Dear Ms. Pride:

KRHT-AM Concord, Ca. is operating on a temporary STA. We are not at full power, nor do we have any broadcast revenues.

I am enclosing a FCC ruling dated July 5, 1995. The ruling indicates the fee would present a hardship.

Thank you for understanding.

Sincerely,



Joseph Buerry

President

Concord Area Broadcasting
5552 Pamplona Court
Concord CA 94521

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

MAR 20 1998

Dear Licensee:

This letter is in reference to the annual payment of your 1997 regulatory fee(s) which were due to the Federal Communications Commission (FCC) on September 19, 1997.

The FCC is currently verifying its FY '97 regulatory fee collections to identify those regulatees who have not paid. That process includes, but is not limited to, database verification, hard copy documentation research, review of fee-exempt certifications, and review of waivers requested and fee decisions issued.

After a close examination of our records, we have determined that there is no record of payment of your regulatory fee(s) for the following stations:

KRHT-AM	CONCORD,CA	\$1,800
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We request that payment in full be remitted with the enclosed Form 159 to Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835, according to the payment instructions, within twenty days of the date of this letter. You should also review your records to ensure that payments have been made for auxiliary stations associated with this call sign, for any other call signs assigned to you or for any prior fiscal years for which payments may be due. You should submit all payments that may be due.

If payment has been made, please provide a complete copy of your submission including proof of payment. If you believe you are not obligated to pay under the Commission's rules, please submit complete documentation supporting your position within twenty days of the date of this letter. These documents should be sent to:

Chief, Fee Section
Federal Communications Commission
1919 M Street, N.W. - Room 452
Washington, DC 20554

If I may be of any further assistance, you may call me at 202/418-1995

Claudette Pride
Chief, FCC Fee Section

Enclosures

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

JUL 5 1995

Joseph Buerry
President
Concord Area Broadcasting
5552 Pamplona Ct.
Concord, CA 94521

Re: Request for Waiver of Annual Regulatory Fee

Dear Mr. Buerry:

This is in response to the request for waiver of the Fiscal Year 1994 regulatory fee that you filed on behalf of Radio Station KKIS, Concord, California, licensed to Concord Area Broadcasting.

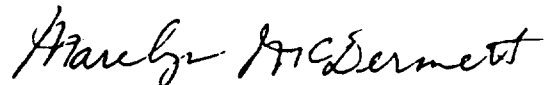
You maintain that payment of the fee would present a hardship because KKIS is off the air and has no income.

In Implementation of Section 9 of the Communications Act, FCC 95-257, ¶ 15, released June 22, 1995, the Commission determined that the imposition of a regulatory fee could be an impediment to the restoration of service by dark stations and that it would therefore, waive the fee requirement for stations which have ceased operation.

Accordingly, your request is granted and the FY 1994 regulatory fee for Concord Area Broadcasting is waived. The waiver shall remain in effect until Radio Station KKIS is reactivated.

If you have any questions about the regulatory fees, please call the Chief, Fee Section at (202) 418-1995.

Sincerely,



Marilyn J. McDermett
Associate Managing Director
for Operations

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

August 19, 1998

OFFICE OF
MANAGING DIRECTOR

RECEIVED

OCT - 8 1998

Mr. Wesley Cox
President
Cox Broadcast Group, Inc.
Route 9
Box 280E
St. Simons Island, GA 31522

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Request for Waiver of Regulatory
Fee and Late Payment Penalty

Dear Mr. Cox:

This is in response to your request for a waiver of the Fiscal Year (FY) 1997 regulatory fee and late payment penalty for Radio Station WCGA, St. Simons Island, Georgia.

The waiver request is untimely. On August 1, 1997, the Commission issued a Public Notice, FY 1997 Mass Media Regulatory Fees, to all licensees, advising them of their Fiscal Year 1997 regulatory fee obligations. Licensees were notified that fee payments were to be received by the Commission by September 19, 1997; they were advised of their rights to request waiver, reductions and deferments of the regulatory fees; and that requests for deferment of the fees were also to be filed by September 19, 1997. The public notice notified licensees that the Commission would "invoke any lawful authority it may possess under the Debt Collection Act to collect any fees due or outstanding against any licensee failing to meet its regulatory fee payment obligations." The Commission in establishing the regulatory fee program said that it would "accept petitions for waiver, reduction and deferments [of the regulatory fees] so long as they are filed no later than the date payment is due." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5345 ¶ 34 (1994). On March 6, 1998, Cox Broadcast Group, Inc. was advised by letter that the Commission had no record for the payment of its FY 1997 regulatory fee for Station WCGA, and that the licensee was to either submit payment or proof of payment within 20 days. When it did not respond to either the Public Notice or the March 6, 1997 letter, the Commission billed Cox Broadcast Group for both the fee and the late payment penalty.

While the Commission will consider timely filed waiver requests, a review of the Commission's records indicates that you have made no attempt to show why you could not have filed WCGA's waiver request in a timely manner. Your failure to comply with the Commission's filing rules, has added to the Commission's regulatory burden and you have not made a compelling showing of

Mr. Wesley Cox

2.

why the Commission should consider your untimely waiver request. Thus, your request for waiver of the FY 1997 regulatory fees is dismissed.

Payment of the FY 1997 regulatory fee of \$1,200 for Radio Station WCGA and the \$300 late payment penalty are now due. The \$1,500 due should be filed together with a Form FCC 159 (copy enclosed) within 15 days from the date of this letter. You are cautioned, that the failure to submit payment as required, will result in a proceeding to recover the fees pursuant to the provisions of the Debt Collection Act, and result in the imposition of further sanctions under 47 C.F.R. § 1.1164.

If you have any questions concerning the fee payment, please call the Chief, Fee Section at (202) 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

Enclosure



100000 BCB-98-070

Route 9, Box 280E, St. Simons Island, GA 31522 • (912) 638-1100 • (912) 576-1100

Jerry

April 30, 1998

Mr. Andrew S. Fishel
Room 852
1919 "M" Street, N.W.
Washington, D.C. 20554

RE: 1997 regulatory fees, WCGA-AM

Dear Mr. Fishel:

I would like to request that the 1997 regulatory fees in the amount of \$1,200.00 and late payment fees in the amount of \$300.00 for same be waived. WCGA-AM is a daytime stand-alone station and we are not financially able to make this payment at this time. Please do not impose any sanctions under 47 C.F.R. 1.1164. I will appreciate any assistance.

I am writing you this letter at the suggestion of Claudette Pride who answered (202) 418-1995 and gave me assistance yesterday.

Thank you for your help in this matter.

Sincerely,

Wesley Cox

Wesley Cox
President
Cox Broadcast Group, Inc.

JWC/

ASSOC. MNG. DIR.
FINANCIAL OPERATIONS
(410-FO)
May 7 11 25 AM '98
RECEIVED

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

July 6, 1998

OFFICE OF
MANAGING DIRECTOR

RECEIVED

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. L. Reeves Dabney
Dabney Adamson Broadcasting, Inc.
P.O. Box 25276
Greenville, SC 29616

Re: Request for Waiver of Regulatory Fee
Fee Control # 9710038835511001
Fee Paid: \$1,000

Dear Mr. Dabney:

This is in response to your request for waiver of the Fiscal Year (FY) 1997 regulatory fee for AM Radio Station WDAB, Travelers Rest, South Carolina. You maintain that the regulatory fee would impose a severe financial hardship on WDAB. In support of your request, you submitted Dabney Adamson Broadcasting's 1996 income tax return.

In establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

Dabney Adamson's Income Tax Return establishes that the station operated with a deficit in 1996, that it had a negative cash flow, and that no compensation has been paid to the licensee's officers. Under these circumstances, Dabney Adamson has presented a compelling case of financial hardship, and its request for a waiver of the FY 1997 regulatory fee for Radio station WDAB is granted.

The waiver, however, is limited to the FY 1997 regulatory fee. If WDAB continues to experience financial hardship, you may file a request for waivers of the regulatory fees for FY 1998 and succeeding years, supported by appropriate documentation of the licensee's financial condition.

9710038735511001

FCC/MELLON SEP 15 1997

WDAB - AM 1580

P.O. Box 6651 · Greenville, SC 29606

864 · 834 · 2898 · FAX 864 · 834 · 2997

Jerry
September 8, 1997

Federal Communications Commission
Regulatory Fees
P.O. Box 358835
Pittsburgh, PA 15251-5835

Gentlemen:

We are in receipt of FY1997 Mass Media Regulatory Fees.

We are requesting a waiver on the \$1,000 fee imposed on us. Our monthly revenue is less than \$2,000 at this point and our basic bills (mortgage, utilities, etc.) are over \$3,000 per month. As you can see, we are having to subsidize the station every month just to pay the basics.

We are making every effort to improve our financial situation but at this time a payment of \$1,000 would cause a severe hardship on the station.

I am enclosing a copy of our 1996 tax return.

Yours very truly,

WDAB-AM 1580

L. Reeves Dabney
L. Reeves Dabney

LRD/jtb

"YESTERDAY ONCE MORE"

CLASSIC HITS OF THE 40'S, 50'S, & 60'S

Payment Transactions Detail Report

Date: 11/25/97

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9710038835511001	DABNEY ADAMSON BROADCASTING PO BOX 25276	FCC2047675	10/02/97

GREENVILLE SC 29616

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$1,000.00	\$1,000.00	1	MGF7	1		DABNEY ADAMSON BROADCASTING	29616		\$1,000.00	1	PMT
Total									\$1,000.00		

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

August 6, 1998

OFFICE OF
MANAGING DIRECTOR

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OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Larry G. Fuss
President
Delta Radio, Inc.
P.O. Box 1438
Cleveland, MS 38732

Re: Request for Waiver of Regulatory Fee

Dear Mr. Fuss:

This is in response to your request for a waiver of the Fiscal Year (FY) 1997 regulatory fees for Delta Radio, Inc. (Delta), licensee of Radio Stations WDTL(FM), Cleveland, Mississippi, WOHT(FM), Drew, Mississippi, and KDTL-FM, Lake Village, Arkansas. Please excuse our failure to respond to your request in a more timely manner.

In a letter dated December 11, 1997, we granted your request for a waiver of the FY 1996 fees because of financial hardship. In September 1997 you filed a request for a waiver of the FY 1997 fees asserting that there has been no change in your stations' financial situation.

In establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

10 FCC Rcd at 12761-2762.

Mr. Larry G. Fuss

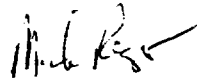
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In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

In the absence of appropriate documentation, you have failed to establish a compelling case of financial hardship and your request for waiver of Delta's FY 97 regulatory fees is dismissed and payment of those fees is now due. Delta owes FY 1997 regulatory fees of \$600 for FM Radio Station WDTL, Cleveland, Mississippi; \$600 for FM Station WOHT, Drew, Mississippi; and \$800 for FM Radio Station KDTL, Lake Village, Arkansas. Delta should submit the aggregate fee of \$2000 together with a completed FCC Form 159 (copy enclosed) within 30 days from the date of this letter. However, in the alternative, in view of your allegations of financial hardship, you may request a further deferment of the fee payment, and refile Delta's request for waiver with appropriate supporting documentation, within 30 days from the date of this letter.

If you have any question concerning the regulatory fees, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

Enclosure

WDTL Delta Country **92.9**

HOT95
Solid Gold Soul

AM WDSK
1410 THE TALK OF THE DELTA

STAR  **STAR**
103 **101.9**
Continuous Soft Hits

000000BCB-98-001

Jenny
May 4, 1998

Supplemental
Info

FCC
SECTION

MAY 12 10 12 AM '98

RECEIVED

Ms. Regina W. Dorsey, Chief
Billings & Collections Branch
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, NW
Washington, DC 20554

Dear Ms. Dorsey:

This is in response to your letters of April 21, 1998, regarding 1997 Regulatory Fee payments for KDTL-FM Lake Village, Arkansas (now KZYQ-FM); WDTL(FM) Cleveland, Mississippi; and WOHT(FM) Drew, Mississippi.

Please be advised that Delta Radio, Inc., licensee of the stations, requested a waiver of the 1997 fees. Our "Request for Waiver of Regulatory Fees" was stamped-in by the FCC Mail Room and by the Audio Services Division on September 19, 1997 (a copy of the Request, showing the two "stamp-ins" is attached).

Delta's waiver request was based upon continuing losses by the stations. In support of that claim, a copy of Delta's 1996 tax return was attached for consideration.

Delta had requested a similar waiver of the 1996 Regulatory Fees on September 18, 1996. When filing the request for waiver of the 1996 fees, Delta paid the fees along with its waiver submission. However, Delta's waiver request for 1996 had not yet been acted upon by the time the 1997 fees were due and we simply didn't have the money to pay the 1997 fees while waiting on a refund of our 1996 fees (the 1996 fees were waived pursuant to a letter dated December 11, 1997, yet Delta still didn't receive a refund until January 19, 1998, more than 16 months after filing the original waiver request was filed).

For the reasons stated above, Delta hereby requests that its previously filed "Request for Waiver of (1997) Regulatory Fees" be considered.

Delta Radio, Inc.

Cleveland Office
PO Box 1438
Cleveland, MS 38732
Phone: (601) 846-0929
Fax: (601) 843-0494

Greenville Office
PO Box 5395
Greenville, MS 38704
Phone: (601) 378-4103
Fax: (601) 332-3103

E-Mail:
mail@deltaradio.net

Web Site:
www.deltaradio.net

Sincerely,

DELTA RADIO, INC.

Larry G. Fuss
Larry G. Fuss
President & General Manager

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

ADP

OFFICE OF
MANAGING DIRECTOR

DELTA RADIO, INC.
WDTL-FM FM
P.O. BOX 1438
CLEVELAND, MS 38732

Dear Gentlemen:

This letter is in reference to the 1997 regulatory fee(s) for which payments were due to the Federal Communications Commission (FCC) on September 19, 1997. You were advised by letter dated March 6, 1998, that an examination of the FCC's records indicated that there was no record of payment of the regulatory fee(s) for the following station(s).

WDTL

Cleveland, MS

You were requested to either submit payment, or in the alternative, to submit proof of payment or documentation establishing that you are exempt from the regulatory fee requirement.

Payment of the \$600 1997 regulatory fee, and the 25% late payment penalty assessed under 47 C.F.R. § 1.1164, are now due. Payment in full of \$750 should be remitted with the enclosed Form 159 to the Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835, pursuant to instructions on the Form 159. You should also review your records to ensure that payments are made for auxiliary stations associated with the referenced call sign, for any other call signs assigned to you, or for any prior fiscal years for which payments are due. You should submit all payments, together with the 25% late payment penalties, within 30 days from the date of this letter.

You are cautioned that failure to pay the regulatory fees and penalties as described above may subject you to revocation of any existing instrument of authorization, and result in the imposition of further sanctions under 47 C.F.R. § 1.1164. If you have any questions concerning the fees, you may call me at (202) 418-1995.

Sincerely,



Regina W. Dorsey, Chief
Billings & Collections Branch

Enclosure

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

DELTA RADIO, INC.
WOHT FM
P.O.BOX 1438
CLEVELAND, MS 38732

Dear Gentlemen:

This letter is in reference to the 1997 regulatory fee(s) for which payments were due to the Federal Communications Commission (FCC) on September 19, 1997. You were advised by letter dated March 6, 1998, that an examination of the FCC's records indicated that there was no record of payment of the regulatory fee(s) for the following station(s).

WOHT

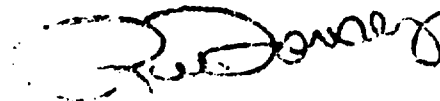
D PKW
Cleveland, MS

You were requested to either submit payment, or in the alternative, to submit proof of payment or documentation establishing that you are exempt from the regulatory fee requirement.

Payment of the \$600 1997 regulatory fee, and the 25% late payment penalty assessed under 47 C.F.R. § 1.1164, are now due. Payment in full of \$750 should be remitted with the enclosed Form 159 to the Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835, pursuant to instructions on the Form 159. You should also review your records to ensure that payments are made for auxiliary stations associated with the referenced call sign, for any other call signs assigned to you, or for any prior fiscal years for which payments are due. You should submit all payments, together with the 25% late payment penalties, within 30 days from the date of this letter.

You are cautioned that failure to pay the regulatory fees and penalties as described above may subject you to revocation of any existing instrument of authorization, and result in the imposition of further sanctions under 47 C.F.R. § 1.1164. If you have any questions concerning the fees, you may call me at (202) 418-1995.

Sincerely,



Regina W. Dorsey, Chief
Billings & Collections Branch

Enclosure

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

DELTA RADIO, INC.
KDTL-FM
P.O. BOX 1438
Cleveland, MS 38732

Dear Gentlemen:

This letter is in reference to the 1997 regulatory fee(s) for which payments were due to the Federal Communications Commission (FCC) on September 19, 1997. You were advised by letter dated March 6, 1998, that an examination of the FCC's records indicated that there was no record of payment of the regulatory fee(s) for the following station(s).

KDTL-FM

Lake Village, AR

You were requested to either submit payment, or in the alternative, to submit proof of payment or documentation establishing that you are exempt from the regulatory fee requirement.

Payment of the \$800 1997 regulatory fee, and the 25% late payment penalty assessed under 47 C.F.R. § 1.1164, are now due. Payment in full of \$1,000 should be remitted with the enclosed Form 159 to the Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835, pursuant to instructions on the Form 159. You should also review your records to ensure that payments are made for auxiliary stations associated with the referenced call sign, for any other call signs assigned to you, or for any prior fiscal years for which payments are due. You should submit all payments, together with the 25% late payment penalties, within 30 days from the date of this letter.

You are cautioned that failure to pay the regulatory fees and penalties as described above may subject you to revocation of any existing instrument of authorization, and result in the imposition of further sanctions under 47 C.F.R. § 1.1164. If you have any questions concerning the fees, you may call me at (202) 418-1995.

Sincerely,



Regina W. Dorsey, Chief
Billings & Collections Branch

Enclosure

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re:

Request for Waiver of
Fiscal Year 1997
Regulatory Fees

Delta Radio, Inc.

To: The Commission

REQUEST FOR WAIVER OF REGULATORY FEES

Delta Radio, Inc. ("Delta"), the licensee of WDTL-FM and WDSK(AM) Cleveland, Mississippi; WOHT(FM) Drew, Mississippi; and KDTL(FM) Lake Village, Arkansas, hereby requests a waiver of the Fiscal Year 1997 Regulatory Fees for the following reasons:

Delta Radio, Inc., incurred an operating loss in 1996 (see copy of Tax Return attached hereto), and continues to suffer the after-effects on the 1994 ice storm during which the 340-foot tower of WOHT(FM) collapsed. The station was able to return to full power only last October, some two years and eight months after the ice storm. The significant reduction

SEP 19 2 35 PM '97
AUDIO SERVICES

SEP 21 1997
FCC MAIL ROOM


in WOHT's coverage area during the time it operated on low power pursuant to Special Temporary Authority has had an adverse impact on Delta's finances due to a significant reduction in advertising revenue on WOHT(FM).

Delta requested a waiver of the 1996 Regulatory Fees, based on the same circumstances, and paid the fees at the time it requested the waiver. To date, no action has been taken on the waiver request and the Commission is still holding Delta's fee payment, over a year after it was filed. Consequently, Delta is not in a position to pay the 1997 fees at this time.

For the reasons set forth above, Delta Radio, Inc., respectfully requests a waiver of the Fiscal Year 1997 Regulatory Fees.

Respectfully submitted,

DELTA RADIO, INC.



Larry G. Fuss, President
P.O. Box 1438
Cleveland, MS 38732
(601) 846-0929

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

December 11, 1997

OFFICE OF
MANAGING DIRECTOR

Mr. Larry C. Fuss
President
Delta Radio, Inc.
P.O. Box 1438
Cleveland, MS 38732

Re: Request for Waiver of FY
1996 Regulatory Fee
Fee Control #9609238835116001
Fee Paid: \$2,800

Dear Mr. Fuss:

This is in response to your request for a waiver of the Fiscal Year 1996 (FY 1996) regulatory fees for Delta Radio, Inc. (Delta), licensee of Radio Stations WDTL-FM and WDSK(AM), Cleveland, Mississippi, WOHT(FM), Drew, Mississippi, and KDTL(FM), Lake Village, Arkansas. You assert that payment of the fee will create a financial hardship for Delta. In support of your request, you submitted Delta's 1996 Income Tax Return.

In establishing the regulatory fee program, the Commission recognized that in certain instances licensees would be unable to pay their regulatory fees without impairing the quality of their service to the public. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994).

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon an applicant's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is available to pay the regulatory fee.

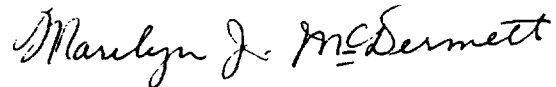
Delta's income tax return indicates that it had a financial loss of \$42,528 income tax purposes. Although, Delta had a write off for depreciation of more than \$39,000, it had a negative cash flow and no salaries were paid to its officers. Thus, Delta has established a compelling case of financial hardship which would warrant a waiver of the FY 1996 regulatory fees for its Radio Stations. The waiver is limited to Delta's FY 1996 fees. If Delta continues to experience financial hardship, it may request waivers of the FY 1997 and subsequent regulatory fees, supported by appropriate documentation.

Mr. Fuss

2

Accordingly, a check, made payable to the maker of the original check and drawn in the amount of \$2,800, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 418-1995.

Sincerely,

A handwritten signature in cursive script that reads "Marilyn J. McDermett". The signature is written in dark ink and is positioned above the printed name.

Marilyn J. McDermett
Associate Managing Director
for Operations

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

August 5, 1998

OFFICE OF
MANAGING DIRECTOR

RECEIVED

OCT - 8 1998

Mr. R. R. Johnson
General Manager
Entertainment Network, Inc.
2607 W. Bennett
Springfield, MO 65807

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Request for Reduction or Waiver of
Regulatory Fee
Fee control # 9709158835146010

Dear Mr. Johnson:

This is in reply to your request for a reduction or waiver of the Fiscal Year (FY) 1997 regulatory fee for AM Radio Station KTOZ, Springfield, Missouri, licensed to Entertainment Network, Inc. You argue that the station is operated by volunteers and that the assessed fee is a hardship for the station. You also contend that you do not serve the population attributed to it for calculating fees.

Congress established the total amount of fees that we are to collect for all services for FY 1997 and our fee schedule is formulated to spread the burden of the total fee requirement equitably among the various categories of fee payers, including broadcast licensees. The FY 1997 regulatory fees for all AM stations were derived by calculating the populations within the 0.5 mV/m contour of each individual station, which is their daytime protected service contour. The 0.5 mV/m contour extends beyond and includes populations not in a licensee's primary service area. However, as a matter of equity, recalculating a station's service area using a different contour for measuring population would require recalculating the service areas, populations, and fees, at a minimum, for all radio broadcast stations, in order to insure the Commission's ability to collect the required amount in fees and that licensees are treated equally.

We recognize that some broadcasters believe that the 0.5 mV/m contour may not reflect the "core" population served by that station, and we contemplate using a smaller service contour to calculate FY 1998 radio regulatory fees. However, the 0.5 mV/m contour is appropriate for calculating the FY 1997 regulatory fees because that contour represents the area in which listeners

receive the station's protected signal. Thus, the Commission will not reduce, on an ad hoc basis, an individual station's regulatory fee solely because its population served would be lower had we relied on a different service contour.

In establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

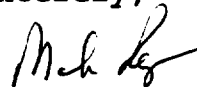
10 FCC Rcd at 12761-2762.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

You have not documented how the fee would create a financial hardship for KTOZ and your request for waiver or reduction of the regulatory fee is dismissed. However, in view of your allegations that the regulatory fee is a financial hardship for the station, you may file a new request for waiver of the FY 1997 regulatory fee, with appropriate supporting documentation, within thirty days from the date of this letter.

If you have any questions concerning the regulatory fee, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

Payment Transactions Detail Report

Date: 10/15/97

BY: FEE CONTROL NUMBER

Fee Control
Number

Payor
Name

Account
Number

Received
Date

Lenny

9709158835146010

ENTERTAINMENT NETWORK INC

FCC2041774

09/15/97

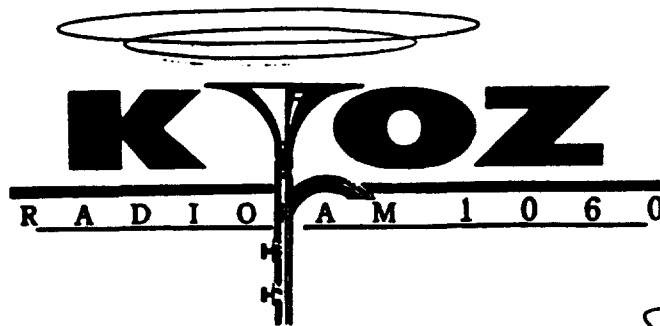
2607 W BENNETT

SPRINGFIELD

MO

65807

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$800.00	\$800.00	1	MGG7	1	KTOZAM	ENTERTAINMENT NETWORK INC			\$800.00	1	PMT
Total									\$800.00		



Sept. 10, 1997

Federal Communications Commission
Washington, D.C.

To: whom it may concern,

KTOZ-AM is a stand alone 500 watt
daytime station.

We are not owned or backed by any
large organization with deep pockets.

This station is operated by volunteers
so that we can stay on the air and serve
Spfld, Mo. — Read the enclosed material.

This amount of 800⁰⁰ translates to
approx. 68% of 1 months gross income or
5.75 % of our annual income.

The "UNFORGETTABLE" Station
2607 West Bennett, Springfield, MO 65807, 417-831-1060

(2)

This is a hardship on us and doesn't seem fair, regarding our coverage of only 20-25 miles.


The population coverage of 367,681 seems to be a little out of proportion.

We are operating KTOZ-AM for the good of and service to Springfield, Mo.

We kindly ask you to waive this fee or at least reduce it to the bare minimum of 200⁰⁰. We understand that you need money to operate.

We await your waiving this and an answer in the very near future!!

★ Confirmation of receiving this letter requested

Sincerely,

G. L. Johnson
G.M. volunteer

Notice to all news media

As most of you know, KTOZ-AM volunteers had to stand up and fight for our right to be volunteers about 2 years ago. After several months, we won that battle against the Dept. of Labor by over-zealous bureaucrats.

During the last 18 months, we have written an amendment to the FLSA of 1938 and have been dicussing it with several Congressmen to try to get it passed.

On Tuesday, 8-26-1997, we recieved calls from Washington D.C. concernig the amendment.

The following 4 pages is the FAX that we recieved concerning this.

We thought that you might be interested in it, so that you can check it out for your information.

It looks as if our quiet work and persistance during the last 18 months is coming to fruitation, so that all of us as American citizens can have one of our rights returned to us.

For more information and other parts of this story which has not been told, such as what we found out when we filed under
The Freedom of Information Act,
please phone 417-831-1060 and ask for Ron Johnson.

THANK YOU

[DISCUSSION DRAFT]

JUNE 5, 1997

105TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. BLUNT introduced the following bill: which was referred to the Committee
on _____

A BILL

To exclude certain volunteers from coverage under the Fair
Labor Standards Act of 1938.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Job Skill Development
5 Act for Americans".

1 SEC. 2. VOLUNTEERS.

2 Section 3(e)(4) of the Fair Labor Standards Act of
3 1938 (29 U.S.C. 203(e)(4)) is amended by adding at the
4 end the following:

5 “(C) The term ‘employee’ does not include any indi-
6 vidual who volunteers to perform services for an employer
7 if—

8 “(i) the individual is volunteering to perform
9 services and such volunteering was initiated by the
10 individual;

11 “(ii) the individual receives no compensation
12 for, or is paid expenses, reasonable benefits, or a
13 nominal fee to perform, the services for which the
14 individual volunteered;

15 “(iii) the services for which the individual vol-
16 unteered are not services for which the individual
17 has been employed by the employer but are services
18 which develop skills and experience for which the in-
19 dividual may thereafter be employed;

20 “(iv) the individual has voluntarily agreed to
21 perform such services with no promise of employ-
22 ment by the employer;

23 “(v) no regular employee has been laid off or
24 terminated by the employer from the position to be
25 filled by such individual; and

1 “(vi) no regular employee experiences a reduc-
2 tion in hours, wages, or employment benefits as a
3 result of the services performed by such individual.”.

Volunteerism rewarded with federal grief

WASHINGTON — Autumn, season of mists and mellow fruitfulness, this year will also be a season of mayhem as congressional Republicans reach the climax of their attempt to get the government on a shorter leash. To get in the mood to enjoy this blood sport, consider the way the people at radio station KTOZ-AM in Springfield, Mo., spent their summer. They spent it suffering the attentions of the U.S. Department of Labor, which caught KTOZ's people committing the unspeakable faux pas of doing volunteer work.

Last year the little 500-watt daytime station, which covers an 80-mile radius, was bankrupt, but was cherished by a smattering of people fond of its music format of big bands, jazz and blues. Nineteen of them who fancied the chance to be amateur disc jockeys scraped together \$35,000 to buy the station from a bankruptcy court, invested \$60,000 in new equipment and began volunteering their time to keep it on the air.

This came to the attention of a commissar in the Labor Department's Kansas City outpost. He was gnawed by the fear that this volunteerism was a low and cunning dodge to evade the rigors of the Fair Labor Standards Act of 1938, thereby mocking justice and jeopardizing American prosperity. So he saddled his charger and rode to the rescue of the volunteers, undaunted by the fact that they, in their unregenerate state, did not want to be rescued.

They were having fun, and that was not even the worst of it. They were not being paid



George Will

the minimum wage of \$4.25, and the law is quite strict about the fact that all "employees" of a for-profit business must be paid at least that so America can be a land fit for heroes and so the government can collect its FICA taxes.

Speaking as if to a particularly dim 5-year-old — slowly and with precise enunciation — the people at KTOZ explained that they were not employees and the station was not making a profit and would the commissar enjoy hearing some Glenn Miller? But your tax dollars buy bureaucrats made of sterner stuff than the Springfield scofflaws supposed; the bureaucrats cannot be deflected from their duties merely by reasonable explanations.

The commissar told them that the government is large-spirited and latitudinarian, willing, when the spirit moves it, to give specific exemptions to the minimum-wage requirement. But KTOZ's volunteers had not tugged their forelocks and said, "Mother may I?" to the government. Therefore the station might have to pay back wages and interest and maybe a fine. The implication was that they should thank their lucky stars that Alcatraz has been closed.

Now, you might think that even a commissar would have sufficient sense of the absurd to note this: It is pathetic but true that the achievement of which President Clinton is proudest is AmeriCorps, the oxymoronic little program that seeks to enkindle the spirit of volunteerism in this country (in which about 90 million people do volunteer work) by hiring about 20,000 "volunteers." So why is his Labor Department trying to stamp out true volunteerism in Springfield?

Because it is all so unfair, as an unrepentant Labor Department official in Washington stoutly insisted in a letter to the congressman

from that district, explaining that the investigation of KTOZ has been discontinued but was virtuous:

"The Department's decision not to pursue this matter should not be viewed as condoning work for no pay. There are very good and strong policy reasons why for-profit companies are not allowed to employ people for no pay. First of all, those practices take wages out of worker's (sic) pockets and force everyone's wages down."

Amazing, is it not, how migraine-inducing the government's reasoning can be? Yo, Labor Department: What do you — what can you — mean by the phrase "employ people for no pay"? Let's take this slowly: They. Are. Not. Employees. (Are we going too fast?) Concentrate: V-o-l-u-n-t-e-e-r-s. And what wages are being taken out of whose pockets by people donating labor without which the station would be stone silent?

KTOZ's listeners burn with the spirit that chased the redcoats back to Boston from Concord bridge. One suggested organizing a KTOZ fan club: "To get the feds' attention, we could call it the 'KTOZ Militia'." Many lawyers volunteered — that dread word again — to help defend KTOZ without pay. Can they be disbarred for that offense?

This week a congressional committee will consider changes to the 1938 law to make volunteerism less obnoxious in the squinty eyes of the government. And if in coming weeks you wonder whence springs the passion behind the grinding down of government, remember KTOZ's story, and imagine how many Americans have had comparable experiences.

■ George Will is a columnist with The Washington Post Writers Group.

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March 1996 \$2.25

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World's Most Widely Read Magazine

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75th Year • Over 27 million copies in 18 languages bought monthly

That's Outrageous!

Spotlighting absurdities in
our society is the first step
toward eliminating them

VOLUNTEERS THREATENED

A GROUP OF PEOPLE in Springfield, Mo., infuriated the U.S. Department of Labor by performing an unspeakable act: volunteering.

Last year the town's little 500-watt radio station, KTOZ-AM, went bankrupt. But 19 of its listeners, who cherished its format of big bands, jazz and blues, scraped together \$35,000 to buy the station, invested \$60,000 in new equipment and volunteered their time to keep the station on the air.

When a Labor Department inspector found out, he was gnawed by the fear that this volunteerism was a dodge to evade the Fair Labor Standards Act of 1938. Worse, the volunteers were not being paid the minimum wage of \$4.25—and may have been violating the policy that

READER'S DIGEST • MARCH 1996

"employees" of a for-profit business must be paid.

The people at KTOZ explained that they were not employees, and the station was not making a profit. But the inspector told them they might have to pay back wages and interest—and maybe a fine.

The KTOZ matter was eventually dropped. But if you've ever wondered whence springs the passion behind the grinding down of government, remember KTOZ's story, and imagine how many Americans have had comparable experiences.

—George F. Will in *Washington Post*

James B. Anderson, CCE
President



October 25, 1995

Mr. R. R. Johnson
KTOZ AM
2607 West Bennett
Springfield, Missouri 65807

Dear Ron:

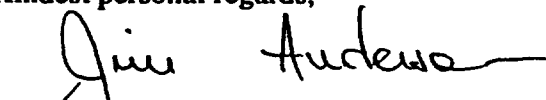
Thanks again for taking time out of what I know is a very busy schedule to meet with me. I sincerely enjoyed the opportunity to meet you and get acquainted. I especially enjoyed our visit and know that we share many common beliefs and principles.

Thanks too for leaving with me the excellent information and material on the plight of KTOZ AM. I've taken the liberty of sharing this information with my coworkers at the Springfield Area Chamber of Commerce.

As we discussed, the radio station is now nationally known and has certainly made our country aware of our community. I once again want to commend you for the leadership you have provided and continue to provide on this issue and the principles that make KTOZ AM what it is. I trust you had a good trip to Washington, D. C. and your testimony before a congressional committee. I'm certain your time spent in Washington, D. C. was a whirlwind of activity.

I would welcome the opportunity to discuss further our mutual interests and concerns. Whenever the Springfield Area Chamber of Commerce or I personally may be of assistance to you, please don't hesitate to call on me.

Kindest personal regards,


James B. Anderson
President



News Release



U.S. Department of Labor

Office of Public Affairs
Washington, D.C.

CONTACT: Scott Sutherland
OFFICE: 202/219-8211

USDL: 95-437
FOR RELEASE: Immediate
Wednesday, Oct. 25, 1995

STATEMENT OF U.S. SECRETARY OF LABOR ROBERT B. REICH

The Labor Department fully supports volunteers who want to use their free time to help other people. But workers should not be coerced into working for free. The department investigates when it is called in by workers who believe they are being coerced by employers to put in free time.

In the case of KTOZ, the Department received complaints and after investigating, found there was no reason to suspect coercion. In Brethren Home, the Labor Department got involved when it received a complaint from a mother that her twelve-year old child was being treated more like a maid than a companion to patients at the nursing home.

The Labor Department is for volunteerism, and against employer coercion. Workers must not be pressured into volunteering out of fear of losing their jobs or the belief that it's the only way to advance.

The text of this news release is available from the Department of Labor electronic bulletin board, LABOR NEWS at (202) 219-4784. Callers must pay any toll-call charges. 300, 1200, 2400, 9600 or 14,400 BAUD; Parity: None; Data Bits=8; Stop Bit=1. Voice phone (202) 219-8831.

The information in this news release will be made available to sensory impaired individuals upon request. Voice phone: (202) 219-7316.

*Rec'd 10/26/95
Jmt*

Tiny Missouri station taking on U.S. government

K.C. STAR AUG. 1945

By The Associated Press

SPRINGFIELD — An average 500-watt radio station that had just fended off a U.S. Labor Department investigation might breathe a sigh of relief and move on.

But KTOZ-AM is not the average tiny radio station.

"We're going after them," general manager Ron Johnson said Tuesday, referring to the Labor Department's Wage and Hour Division. "They're not getting off the hook this easy."

The station, which specializes in big band music, ran afoul of the Labor Department because it uses volunteers as disc jockeys and clerical workers.

Officials of the agency had said the for-profit station could be forced to pay its volunteers — including back wages — under the Fair Labor Standards Act of 1938.

After a 3½-month review of the station, the Labor Department on Monday called off the inquiry. Johnson was notified Tuesday morning.

Labor Department officials "did a very preliminary screening and said it's not in our priority area," spokeswoman Liz Rose said. "The Labor Department has limited resources, and we focus on low-wage employees."

Johnson, a businessman and one-time big band director, is a part owner of the sunup-to-sundown station. On a good day the signal travels 40 miles through the

Ozark.

He and 18 other investors who share a love for the big band sound bought the station out of bankruptcy 14 months ago for \$40,000.

The radio station has gotten national media attention since The Associated Press carried a story about the station's troubles. CBS Evening News and NBC Nightly News recently filmed segments at the station.

KTOZ will not let the issue die.

"We're all set for a 10-year battle if we have to do it," Johnson said.

He has demanded that the rules governing volunteer work at for-profit companies be changed.

"They should specifically spell out very clearly that any citizen of the United States who wants to volunteer their time for any company...can do that," Johnson said.

About 50 lawyers from around the country who heard about the station's difficulties with the Labor Department have offered their legal services to the station for free, Johnson said.

Johnson said he hopes legal retaliation against the Labor Department will spare others the strain and stress of what he describes as an out-of-control bureaucracy.

"You never know if they're going to walk in with the subpoenas or lawsuit. I've had to devote so much time to this thing. I haven't been able to go out and sell (advertising) in 3½ months. I haven't been able to go out and talk to anybody," Johnson said.

Volunteer Station KTOZ (AM) Still Angry

by Alan Haber

SPRINGFIELD, Mo. In the land of the free and the home of the brave, a 500-watt, all-volunteer radio station ought to be *persona grata* with its listeners and its government.

"For awhile, though, KTOZ(AM) here in town, which bills itself as The "Unforgettable" Station, seemed to be *grata* with its listeners, but decidedly *non grata* with a branch of its government.

Although general manager Ron Johnson's tussle with the United States Department of Labor is officially over — at least from the

DOL's point of view — his dedication to seeing that what happened to KTOZ does not happen to any other radio station, business or individual is not.

Despite the sting of a nearly four month long DOL investigation earlier this year, the station that Johnson and 18 other people purchased out of bankruptcy court and put on the air in June 1994 keeps rolling on with what Johnson calls an "adult variety" format.

KTOZ was born from a desire to fill the airwaves with what Johnson calls "good music." Harry Connick Jr., Glenn Miller and Tommy Dorsey commingle with Yanni,

Barbra Streisand and Lawrence Welk as the daytimer's volunteer voices reach out to their loyal listeners.

Only Johnson, who once was a top 40 disc jockey, and two other of KTOZ's 19 owners are radio people. None of the 19 draw a salary or receive any kind of financial reward.

They come from different walks of life: Johnson is in sales, another is a finance director for a local company, still another is a librarian. There is a federal prison guard, an engineer, a doctor and a mechanic. All work their air shifts around their day jobs. A few are retired.

The fiercely-dedicated "Springfield 19" decided to divide up the time necessary to keep the station running and work for free until money started coming in. Relating the station's volunteer status over the air brought some listeners to the station's door asking if they too could learn how to be radio people.

When the Springfield 19 took over the station, it was grossing \$120 dollars a month, which, said Johnson, paid about a quarter of the utility bill. Now there is enough green coming in for the station to pay its bills every month.

continued on page 13 ▶

March 6, 1996

Radio World

13

KTOZ (AM) Working For New Labor Law

▶ continued from page 12

Johnson said he and his compatriots agree that they're not expecting anything out of their investment, money-wise. Only when it's appropriate will The Entertainment Network (TEN), the Missouri corporation in which they hold shares, declare a dividend.

Johnson wanted to take listeners in the station's 80 to 90 mile non-directional coverage area by the hand and say, "We're

this?" Morgan's answer, according to Johnson: "No, you don't."

The more Johnson thought about the situation, he said, "the madder I got, because I thought, 'Wait a minute - this guy is just all over me personally on my rights as an American citizen. I can do with my time what I want.'"

The DOL spokesperson said that the DOL's feeling "is that our investigator

the number of employees. Now, nobody blames him at all, because it wasn't explained to him, for suspecting that that meant he was under investigation. And that is the posture that he took and his attorneys took from the very beginning."

In other words, when Morgan went to KTOZ, he was simply trying to get the information needed to determine



Jim Cooper, Vicki Roberts and John Mayer

whether or not we have the right to do this. And that's the only way we can do this.

KTOZ-AM

Government looks for wrong abuses

I've always admired the volunteer DJs who work at KTOZ-AM. They enjoy the work and love sharing great music with others in the community enough to donate their time. Double. They preserve and give access to great music that, though not economically viable anymore, still manages to entertain and provide diversity and cultural enrichment to the airwaves. The music may lag for relevance in 1995, but KTOZ's frequency is a narrow shaft of light in today's wide commercial spectrum of the thoughtless.

The U.S. Department of Labor has said that since this activity supports a private, for-profit business, it is illegal. Compare this to the government's support of the National Endowment for the Arts and Public Broadcasting. In name of culture and the arts, they force everyone to give a portion of their labor to provide handsome salaries to a huge elitist bureaucracy hiding behind their nonprofit status. Where are our producers?

If the Department of Labor is really concerned about exploitation of

workers and unreasonable conditions of employment, the department's investigator Charles Morgan should look at the government's treatment of teachers. What about rectifying the broad implicit demand that educators spend hours every night grading students' papers?

This abuse probably will go undressed while our wage and hour policies justify their jobs spending their time on the most trivial, vincible noncompliance of their arbitrary codes.

Nick Staley
Springfield

Letters from
the News-Header
over several
days
Plus many more
that have not
been printed

KTOZ

READERS' LETTERS

KTOZ

Regulators need some regulating

I will be amazed if Springfield does not receive numerous letters re KTOZ's alleged violation of the Fair Labor Standards Act.

The story provides a clear example of the intrusiveness of the government which disturbs many of us. People unaware of why it is important to rein in regulators and their regulations will certainly learn through this unfolding story.

Just how did investigator Charles Morgan "learn" of KTOZ's vile deed? Was he simply performing a common routine "compliance check" of all businesses?

Did he just stumble on the fact that free, adult Americans had taken it upon themselves to volunteer their time and talents? (How shameful!) Did he hear about it from some competitor? Or, by chance, did he hear about it from a zealous opponent of free enterprise?

pooling
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to
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mo
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in

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

August 10, 1998

RECEIVED

OFFICE OF
MANAGING DIRECTOR

OCT - 8 1998

Mr. Alfred Roberson
Post Office Box 2292
West Helena, AR 72390

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Request for Waiver of Regulatory Fee
Radio Station WSTN-AM
Fee Control # 9710028835509008
Fee Paid: \$1,200

Dear Mr. Roberson:

This is in response to your request for a waiver of Fiscal Year (FY) 1997 regulatory fee for Radio Station WSTN-AM, Somerville, Tennessee, licensed to Fayette County Broadcasting. You argue that the regulatory fee creates a financial hardship for the station. You maintain that WSTN-AM's income is insufficient to pay your expenses, that no salaries or other payments have been made to the station's principals, and that you had to borrow money to repair the station and keep it operating. In support of your request you have submitted an income and expense statement for the first 5 months of 1998.

In establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

The documentation confirms that the Radio Station WSTN has been operating at a loss, that no payments have been made to the station's principals, and that you have not reduced the station's income by deducting depreciation. Under these circumstances you have established that payment of the regulatory fee would create an economic hardship for Radio Station WSTN. Your request for waiver of the FY 1997 regulatory fee is granted and the fee paid will be refunded. You are cautioned that the waiver of the fee is limited to the FY 1997 fee. However, if Radio Station WSTN

Mr. Alfred Robertson

2.

continues to suffer financial hardship, the station may request waivers of subsequent regulatory fees, by filing waiver requests supported by appropriate current documentation.

Accordingly, a check drawn in the amount of \$1,200, and made payable to the maker of the original check, will be sent to you at the earliest practicable time. If you have any questions concerning the refund, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Reger", written in a cursive style.

Mark Reger
Chief Financial Officer

9710028835509008.

ASSOC. MNG. DIR.
FINANCIAL OPERATIONS
(AND-FO)

44 6/11/98
→ FCO/E

Alfred L. Roberson
P O Box 2292
West Helena, AR. 72390

JUN 10 8 35 AM '98

June 2nd, 1998

RECEIVED

Mr. Thomas M. Molleran
Acting Associate Managing
Director for Operations.

Dear Mr. Molleran,

In reference to W S T N - AM Directional Radio Station in Sommerville, Tennessee, we have secured the accompanying information relative to operations expenses and income. We have included income since the first of the year as well as expenses. It was mentioned in your letter of April 9th, that information relative to salary of officers and individuals should be included...and in addition, that payments to principal or on notes is money considered available for payment of a regulatory fee.

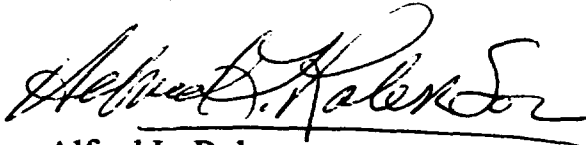
The manager we had earlier in the year with several years broadcasting experience was working toward an interest in buying the station, but with no salary. It didn't take long for him to lose interest and a small fortune of his own living out of his reserve to apply himself at something and a city he loved. He like myself knew how hard it is to run a station properly and with equipment problems and engineering expenses and then a government assessed new unreasonable fee... didn't take long for the give up hands in the air expression and he wanted out of his commitment to work toward buying the station. We even with the loss experienced have been unable to pay any employee since the first of the year with the exception of the engineer ..at \$50.00 per hour and a computer programmer at 40.00 per month, one visit.. SO no salaries other than the engineer and programmer are a part of this report. NO Bank loans and payments are a part of the expense of the report.

Please review the accompanying information. We are looking forward to someday having this station in the black, even if just above the basic expenses. We understand a fee of some kind isn't unreasonable, but 1200 dollars is severely detrimental to the operation of this station. Please see if it would be acceptable for us to pay a fee of 200 dollars for this and future years. This is about 10 percent of what the more powerful stations pay who are more than 10 times stronger and cover 50 times as many people.

We do appreciate you reviewing this matter and we are only asking for fairness considering the lack of profit and small area of population we could in a perfect, one radio station world cover. Please remember we have less listenership, due if for no other reason than there are so many more signals available for the county than ever with AM and FM stations. Regretfully in the last survey we had less than one percent of the listenership.

We aren't asking for a free ride, but please see if a 200 dollar fee isn't much more reasonable to our station and situation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alfred L. Roberson", written over a horizontal line.

Alfred L. Roberson
Licensee

Payment Transactions Detail Report

Date: 7/2/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9710028835509008	ROBERSON III, ALFRED L PO BOX 2292	FCC2047550	09/24/97

WEST HELENA AR 72390

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$1,200.00	\$1,200.00	1	MGE7	1	WSTN	FAYETTE COUNTY BROADCASTING	38068		\$1,200.00	1	PMT
Total	1								\$1,200.00		

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

August 10, 1998

OFFICE OF
MANAGING DIRECTOR

RECEIVED

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William H. Fitz, Esquire
Covington & Burling
1201 Pennsylvania Ave. N.W.
P.O. Box 7566
Washington, D.C. 20044-7566

Re: Request for Refund of Regulatory Fee
Fritz Communications, Inc.
Fee Control # 9709238835052001
Fee Control # 9709178835138003

Dear Mr. Fitz:

This is in response to your request for a refund of the Fiscal Year 1997 regulatory fees filed on behalf of Fritz Communications, Inc. as the former licensee of Radio Stations WKYG(AM) and WKKX(FM), Parkersburg, West Virginia, and three auxiliary stations.

Duplicate fees were paid by both Fritz Communications, Inc. and the assignee, PBBC, Inc. The fees were properly assessed against PBBC, Inc. as licensee of the subject stations on September 19, 1997, the date that payment of the regulatory fees were due.

Accordingly, your request is granted and the regulatory fees paid by Fritz Communications, Inc., will be refunded. Pursuant to your instructions, a check, made payable to the maker of the original checks and drawn in the amount of \$1,675, will be sent to Fritz Communications at 1355 North Dutton Avenue, Suite 225, Santa Rosa, CA 95401, at the earliest practicable time. If you have any questions concerning the refund, please contact the Chief, Fee Section at (202) 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

cc: Fritz Communications, Inc.

FCI 9709/178835138003 (1)

RECEIVED

Jerry

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N. W.

P.O. BOX 7566

WASHINGTON, D.C. 20044-7566

(202) 662-6000

FACSIMILE: (202) 662-6291

WILLIAM H. FITZ

DIRECT DIAL NUMBER

(202) 662-5120

DIRECT FACSIMILE NUMBER

(202) 778-5120

wfitz@cov.com

JUN 19 1998

Federal Communications Commission

Office of Secretary

LECONFIELD HOUSE

CURZON STREET

LONDON W1Y 8AS

ENGLAND

TELEPHONE: 44-171-495-5655

FACSIMILE: 44-171-495-3101

KUNSTLAAN 44 AVENUE DES ARTS

BRUSSELS 1040 BELGIUM

TELEPHONE 32-2-549-5230

FACSIMILE 32-2-502-1598

PBBC 9709238835052001(2)

June 19, 1998

BY HAND

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
1919 M Street, N.W., Room 852
Washington, DC 20554

Re: Fritz Communications, Inc.
WKYG(AM), Parkersburg, WV
WXXK(FM), Parkersburg, WV
WAH-834; WHB-682 & KU-6726
Request for Refund of FY 1997 Regulatory Fees

RECEIVED
JUN 23 3 03 PM '98
FCC
FEE SECTION

RECEIVED

Dear Mr. Fishel:

On behalf of Fritz Communications, Inc. ("FCI"), former licensee of WKYG(AM) and WXXK(FM), Parkersburg, West Virginia, and the above-referenced broadcast auxiliaries used with them, we respectfully request refund of FY 1997 Regulatory Fees in the amount of \$1,675.

On January 1, 1997, the assignment of licenses of the two Parkersburg stations from FCI to PBBC, Inc., was consummated (BAL/BALH-960925GG/GH). Because FCI was the owner of record as of October 1, 1996, relying on instructions in the FCC Public Notice of August 1, 1997, that stated "the owner of record on the effective date noted below" is responsible for the fees, it prepared a Form 159 Remittance Advice and a check for the stations' FY 1997 Regulatory Fees and sent them to counsel for submission to the Mellon Bank on September 15, 1997. The Form 159 and check were sent to the Mellon Bank via Federal Express on Friday, September 12 for delivery Monday, September 15, the first day payments were due. Attachment A is a copy of that Form 159 and the cancelled check.

On September 12, 1997, the FCC issued a correction to its August 1 Public Notice, stating that "the owner of record at the time of payment" was responsible for paying the fees. (The September 12 Public Notice came to the attention

Form 159 Remittance Advice and cancelled check in the amount of \$1,675, submitted by Fritz Communications, Inc., in payment of FY 1997 Regulatory Fees for WXXK and WKYG, Parkersburg, West Virginia, and associated broadcast auxiliaries.

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

358835

(1) LOCKBOX #

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

PAGE NO. 1 OF 2

APPROVED BY OMB 3060-0589

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

FRITZ COMMUNICATIONS INC.

(4) STREET ADDRESS LINE NO. 1

1355 N. DUTTON AVENUE, SUITE 225

(5) STREET ADDRESS LINE NO. 2

JUN 19 1998

(6) CITY

SANTA ROSA

(7) STATE

CA

(8) ZIP CODE

95401

(9) DAYTIME TELEPHONE NUMBER (include area code)

707-546-9185

(10) COUNTRY CODE (if not in U.S.A.)

Federal Communications Commission
Office of Secretary

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)

(12) STREET ADDRESS LINE NO. 1

(13) STREET ADDRESS LINE NO. 2

(14) CITY

(15) STATE

(16) ZIP CODE

(17) DAYTIME TELEPHONE NUMBER (include area code)

(18) COUNTRY CODE (if not in U.S.A.)

COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)

SECTION C - PAYMENT INFORMATION

(19A) FCC CALL SIGN/OTHER ID

WXXK

(20A) PAYMENT TYPE CODE (PTC)

M

G

E

7

(21A) QUANTITY

1

(22A) FEE DUE FOR (PTC) IN BLOCK 20A

1200.00

FCC LINE ONLY

(23A) FCC CODE 1

(24A) FCC CODE 2

(19B) FCC CALL SIGN/OTHER ID

KU-6726

(20B) PAYMENT TYPE CODE (PTC)

M

U

B

7

(21B) QUANTITY

1

(22B) FEE DUE FOR (PTC) IN BLOCK 20B

25.00

FCC LINE ONLY

(23B) FCC CODE 1

(24B) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID

WAH-834

(20C) PAYMENT TYPE CODE (PTC)

M

U

B

7

(21C) QUANTITY

1

(22C) FEE DUE FOR (PTC) IN BLOCK 20C

25.00

FCC LINE ONLY

(23C) FCC CODE 1

(24C) FCC CODE 2

(19D) FCC CALL SIGN/OTHER ID

WKYG

(20D) PAYMENT TYPE CODE (PTC)

M

G

I

7

(21D) QUANTITY

1

(22D) FEE DUE FOR (PTC) IN BLOCK 20D

400.00

FCC LINE ONLY

(23D) FCC CODE 1

(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25)

PAYER TIN

0 5 5 0 6 7 5 3 4 3

(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2

APPLICANT TIN

0

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT

I, Jack W. Fritz II

(PRINT NAME)

are true and correct to the best of my knowledge, information and belief.

SIGNATURE

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28)

MASTERCARD/VISA ACCOUNT NUMBER:

MASTERCARD

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD

for the service(s)/authorization(s) herein described.

AUTHORIZED SIGNATURE

EXPIRATION DATE:

MONTH YEAR

DATE

REMITTANCE ADVICE (Continuation Sheet)

PAGE NO. 2 OF 2

USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT

SECTION BB - ADDITIONAL APPLICANT INFORMATION

(11) APPLICANT NAME (If paying by credit card, enter name exactly as it appears on your card)

RECEIVED

(12) STREET ADDRESS LINE NO. 1

JUN 19 1998

(13) STREET ADDRESS LINE NO. 2

Federal Communications Commission
Office of Secretary

(14) CITY

(15) STATE

(16) ZIP CODE

(17) DAYTIME TELEPHONE NUMBER (Include area code)

(18) COUNTRY CODE (If not in U.S.A.)

IF MORE BOXES ARE NEEDED, USE ADDITIONAL FCC 159-C CONTINUATION SHEETS TO LIST EACH SERVICE

SECTION CC - PAYMENT INFORMATION

(19A) FCC CALL SIGN/OTHER ID	(20A) PAYMENT TYPE CODE (PTC)	(21A) QUANTITY	(22A) FEE DUE FOR (PTC) IN BLOCK 20A	FCC USE ONLY
WHB-682	M U B 7	1	\$ 25.00	
(23A) FCC CODE 1		(24A) FCC CODE 2		
(19B) FCC CALL SIGN/OTHER ID	(20B) PAYMENT TYPE CODE (PTC)	(21B) QUANTITY	(22B) FEE DUE FOR (PTC) IN BLOCK 20B	FCC USE ONLY
			\$	
(23B) FCC CODE 1		(24B) FCC CODE 2		
(19C) FCC CALL SIGN/OTHER ID	(20C) PAYMENT TYPE CODE (PTC)	(21C) QUANTITY	(22C) FEE DUE FOR (PTC) IN BLOCK 20C	FCC USE ONLY
			\$	
(23C) FCC CODE 1		(24C) FCC CODE 2		
(19D) FCC CALL SIGN/OTHER ID	(20D) PAYMENT TYPE CODE (PTC)	(21D) QUANTITY	(22D) FEE DUE FOR (PTC) IN BLOCK 20D	FCC USE ONLY
			\$	
(23D) FCC CODE 1		(24D) FCC CODE 2		

SECTION DD - TAXPAYER INFORMATION

(25) COMPLETE THIS BLOCK ONLY IF SECTION BB IS APPLICABLE

APPLICANT TIN

0

Form 159 Remittance Advice and cancelled check in the amount of \$11,075, submitted by PBBC, Inc., in payment of FY 1997 Regulatory Fees for stations in Wheeling, West Virginia, et al., including WXXK and WKYG, Parkersburg, West Virginia, and associated broadcast auxiliaries, as highlighted on pages 3-5.

BURBACH BROADCASTING COMPANY

2900 ONE FIVE PLACE

PITTSBURGH, PA 15222-4401

Phone: (412) 243-6726

Fax: (412) 243-6727

WIRELESS DIRECT DIAL:
(412) 243-6716

September 19, 1997

via Courier

Federal Communications Commission
c/o Mellon Bank
Three Mellon Bank Center
525 William Penn Way
27th Floor, Room 153-2713
Pittsburgh, PA 15259-0001
Attention: FCC Module Supervisor)

*Re: FY 1997 Mass Media Regulatory Fees
Licensees - Burbach Broadcasting Company,
PBBC, Inc., Marion Radio Company and
Nitany Broadcasting Company*

Dear Sir/Madam:

Enclosed please find our duly executed FCC Form 159 - Remittance Advice together with our check # 20880 in the amount of \$11,075 representing payment in full for the combined fee balances due for the above referenced Licensees.

If you have any questions or need additional information, please call me.

Very truly yours,


Nicholas A. Galli

c/s

Enclosures

cc: Robert L. Olender, Esquire (w/enclosures)
Robert O. Backstrom (w/enclosures)

FBI/DOJ 11/24 unprocessed 150.0r

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING		FEDERAL COMMUNICATIONS COMMISSION		APPROVED BY OMB 3000-0000	
		REMITTANCE ADVICE		SPECIAL USE	
FBI LOCKBOX #		PAGE NO. <u>1</u> OF <u>10</u>		FEE USE ONLY	
SECTION A - PAYER INFORMATION					
PAYER NAME (PRINT OR TYPE)				TOTAL DEDUCTION (PRINT OR TYPE)	
BIRCH BROADCASTING COMPANY				11,075.00	
PAYER STREET ADDRESS (PRINT OR TYPE)					
SUITE 2350					
PAYER CITY (PRINT OR TYPE)				PAYER STATE (PRINT OR TYPE)	
ONE PPG PLACE				PA	
PITTSBURGH				15222	
PAYER PHONE NUMBER (PRINT OR TYPE)					
(412) 263-6725					
IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B					
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)					
SECTION B - APPLICANT INFORMATION					
APPLICANT NAME (PRINT OR TYPE)					
APPLICANT STREET ADDRESS (PRINT OR TYPE)					
APPLICANT CITY (PRINT OR TYPE)					
APPLICANT STATE (PRINT OR TYPE)					
APPLICANT PHONE NUMBER (PRINT OR TYPE)					
COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)					
SECTION C - PAYMENT INFORMATION					
PAYMENT METHOD (PRINT OR TYPE)		PAYMENT TYPE (PRINT OR TYPE)		PAYMENT AMOUNT (PRINT OR TYPE)	
MONEY		M G F 7 I		1,000.00	
PAYMENT PERIOD (PRINT OR TYPE)		PAYMENT TYPE (PRINT OR TYPE)		PAYMENT AMOUNT (PRINT OR TYPE)	
1600 KHz		BY WEEKLY			
PAYMENT PERIOD (PRINT OR TYPE)		PAYMENT TYPE (PRINT OR TYPE)		PAYMENT AMOUNT (PRINT OR TYPE)	
PAYMENT PERIOD (PRINT OR TYPE)		PAYMENT TYPE (PRINT OR TYPE)		PAYMENT AMOUNT (PRINT OR TYPE)	
PAYMENT PERIOD (PRINT OR TYPE)		PAYMENT TYPE (PRINT OR TYPE)		PAYMENT AMOUNT (PRINT OR TYPE)	
SECTION D - TAXPAYER INFORMATION (REQUIRED)					
PAYER TIN		0 2 5 1 1 8 4 7 3 0		APPLICANT TIN	
				0 2 5 1 1 8 4 7 3 0	
SECTION E - CERTIFICATION					
I, <u>NICHOLAS A GALLY</u> , Certify under penalty of perjury that the foregoing and supporting information					
are true and correct to the best of my knowledge, information and belief. SIGNATURE <u>Nicholas A Gally</u>					
SECTION F - CREDIT CARD PAYMENT INFORMATION					
CREDIT CARD NUMBER		CREDIT CARD EXPIRATION DATE		CREDIT CARD TYPE	
CREDIT CARD NAME		CREDIT CARD ADDRESS		CREDIT CARD CITY	
CREDIT CARD PHONE NUMBER		CREDIT CARD FAX NUMBER		CREDIT CARD E-MAIL ADDRESS	
SEE PUBLIC BURDEN ESTIMATE ON REVERSE					
FCC FORM 159 JULY 1997 (REVISED)					

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB 3060-02

REMITTANCE ADVICE (Continuation Sheet)

PAGE NO. 2 OF 10

USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT

SECTION BB - ADDITIONAL APPLICANT INFORMATION

(11) APPLICANT NAME (IF APPLICANT IS OTHER THAN THE LICENSEE, LIST NAME AND ADDRESS OF THE APPLICANT)

HITTANY BROADCASTING COMPANY

(12) STREET ADDRESS LINE NO. 1

SUITE 2350

(13) STREET ADDRESS LINE NO. 2

ONE FPG PLACE

(14) CITY

PITTSBURGH

(15) STATE

PA

(16) ZIP CODE

15222

(17) DAYTIME TELEPHONE NUMBER (Include area code)

(412) 263-6725

(18) COUNTRY CODE (If not in U.S.A.)

IF MORE BOXES ARE NEEDED, USE ADDITIONAL FCC 159-C CONTINUATION SHEETS TO LIST EACH SERVICE

SECTION CC - PAYMENT INFORMATION

(19) SERVICE IDENTIFICATION

WMAJ

(20) PAYMENT TYPE CODE (PTC)

M G I 7

(21) QUANTITY

1

(22) FEE DUE FOR PTC IN BLOCK 22

400.00

(23) FCC CODE 1

1450 KHz

(24) FCC CODE 2

PA, STATE COLLEGE

(25) SERVICE IDENTIFICATION

WBNV

(26) PAYMENT TYPE CODE (PTC)

M G F 7

(27) QUANTITY

1

(28) FEE DUE FOR PTC IN BLOCK 22

1,000.00

(29) FCC CODE 1

103.1 MHz

(30) FCC CODE 2

PA, STATE COLLEGE

(31) SERVICE IDENTIFICATION

KA 88.17

(32) PAYMENT TYPE CODE (PTC)

M U B 7

(33) QUANTITY

1

(34) FEE DUE FOR PTC IN BLOCK 22

25.00

(35) FCC CODE 1

(36) FCC CODE 2

(37) SERVICE IDENTIFICATION

(38) PAYMENT TYPE CODE (PTC)

(39) QUANTITY

(40) FEE DUE FOR PTC IN BLOCK 22

(41) FCC CODE 1

(42) FCC CODE 2

SECTION DD - TAXPAYER INFORMATION

(43) COMPLETE THIS BLOCK ONLY IF APPLICANT IS AN INDIVIDUAL

APPLICANT TIN

0

2

5

1

5

6

7

2

5

4

FCC FORM 159-C JULY 1997 (REVISED)

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY CMS 5065-068

REMITTANCE ADVICE (Continuation Sheet)

PAGE NO. 3 OF 10

USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT

SECTION BB - ADDITIONAL APPLICANT INFORMATION

(1) APPLICANT'S NAME (PRINT OR TYPE NAME, LAST FIRST AND MIDDLE OR IT APPEARS ON YOUR CARD)

PBCO, INC.

(2) STREET ADDRESS LINE NO. 1

SUITE 2350

(3) STREET ADDRESS LINE NO. 2

ONE FCC PLACE

(4) CITY

PITTSBURGH

(5) STATE

PA

(6) ZIP CODE

15222

(7) DAYTIME TELEPHONE NUMBER (Include area code)

(412) 263-6725

(8) COUNTRY CODE (if not in U.S.A.)

IF MORE BOXES ARE NEEDED, USE ADDITIONAL FCC 158-C CONTINUATION SHEETS TO LIST EACH SERVICE

SECTION CC - PAYMENT INFORMATION

(1) FCC CALL DISCOUNT NO.

WXYL

(2) PAYMENT TYPE CODE (P/T)

M C C 7

(3) QUANTITY

1

(4) FEE DUE PER (P/T) IN BLOCK 200

1,600.00

(5) FCC CODE 1

95.1 MHz

(6) FCC CODE 2

WV, PARKERSBURG

(7) FCC CALL DISCOUNT NO.

WXXK

(8) PAYMENT TYPE CODE (P/T)

M C E 7

(9) QUANTITY

1

(10) FEE DUE PER (P/T) IN BLOCK 200

1,200.00

(11) FCC CODE 1

103.1 MHz

(12) FCC CODE 2

WV, PARKERSBURG

(13) FCC CALL DISCOUNT NO.

WXYC

(14) PAYMENT TYPE CODE (P/T)

M C I 7

(15) QUANTITY

1

(16) FEE DUE PER (P/T) IN BLOCK 200

400.00

(17) FCC CODE 1

1230 KHz

(18) FCC CODE 2

WV, PARKERSBURG

(19) FCC CALL DISCOUNT NO.

WBG - 578

(20) PAYMENT TYPE CODE (P/T)

M U B 7

(21) QUANTITY

1

(22) FEE DUE PER (P/T) IN BLOCK 200

25.00

(23) FCC CODE 1

(24) FCC CODE 2

SECTION DD - TAXPAYER INFORMATION

(1) TAXPAYER'S NAME (PRINT OR TYPE NAME, LAST FIRST AND MIDDLE)

APPLICANT TIN

0 5 5 0 5 2 2 3 3 6

FCC FORM 158-C JULY 1997 (REVISED)

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB 3080-01

REMITTANCE ADVICE (Continuation Sheet)

PAGE NO. 4 OF 10

USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT

SECTION BB - ADDITIONAL APPLICANT INFORMATION

(1) APPLICANT NAME (PRINT OR TYPE NAME, LAST NAME FIRST OR INITIAL LAST NAME)

FBC, INC.

(2) STREET ADDRESS (LINE 1)

SUITE 2350

(3) STREET ADDRESS (LINE 2)

ONE PFC PLACE

(4) CITY

PITTSBURGH

(5) STATE

PA

(6) ZIP CODE

15222

(7) DAYTIME TELEPHONE NUMBER (Include area code)

(412) 263-6725

(8) COUNTRY CODE (OF ISO 3166)

IF MORE BOXES ARE NEEDED, USE ADDITIONAL FCC 180-C CONTINUATION SHEETS TO LIST EACH SERVICE

SECTION CC - PAYMENT INFORMATION

(1) PREPAID CALL IDENTIFIER	(2) PAYMENT TYPE CODE (PFC)	(3) QUANTITY	(4) PREPAID PER PFC IN BLOCK (PFC)	(5) PFC CODE
WLJ - 397	M U B 7	1	25.00	
(6) PFC CODE 1				
KH - 4063	M U B 7	1	25.00	
(6) PFC CODE 1				
WAR - 834	M U B 7	1	25.00	
(6) PFC CODE 1				
WFB - 682	M U B 7	1	25.00	
(6) PFC CODE 1				

SECTION DD - TAXPAYER INFORMATION

(1) COMPLETE THIS BLOCK ONLY IF APPLICANT IS AN APPLICANT

APPLICANT TIN

0 5 5 0 5 2 2 3 3 6

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB 3060-05

REMITTANCE ADVICE (Continuation Sheet)

PAGE NO. 5 OF 10

USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT

SECTION BB - ADDITIONAL APPLICANT INFORMATION

111) PAYEE NAME (Last, first, middle initial, suffix, or other name used by payee to receive payments)

FBC, INC.

112) STREET ADDRESS LINE NO. 1

SUITE 2350

113) STREET ADDRESS LINE NO. 2

ONE FPG PLACE

114) CITY

PITTSBURGH

115) STATE

PA

116) ZIP CODE

15222

117) DAYTIME TELEPHONE NUMBER (Include area code)

(412) 263-6725

118) COUNTRY CODE (If not in U.S.A.)

IF MORE BOXES ARE NEEDED, USE ADDITIONAL FCC 159-C CONTINUATION SHEETS TO LIST EACH SERVICE

SECTION CC - PAYMENT INFORMATION

119) PAYEE IDENTIFICATION

KU - 6726

120) PAYMENT TYPE CODE (PTC)

M U R 7

121) QUANTITY

1

122) FEE DOLLARS FOR PFC IN BLOCK 200

25.00

123) PFC CODE 1

124) PFC CODE 2

125) PAYEE CALL IDENTIFIER ID

126) PAYMENT TYPE CODE (PTC)

127) QUANTITY

128) FEE DOLLARS FOR PFC IN BLOCK 200

129) PFC CODE 1

130) PFC CODE 2

131) PFC CODE 3

132) PAYEE CALL IDENTIFIER ID

133) PAYMENT TYPE CODE (PTC)

134) QUANTITY

135) FEE DOLLARS FOR PFC IN BLOCK 200

136) PFC CODE 1

137) PFC CODE 2

138) PFC CODE 3

139) PAYEE CALL IDENTIFIER ID

140) PAYMENT TYPE CODE (PTC)

141) QUANTITY

142) FEE DOLLARS FOR PFC IN BLOCK 200

143) PFC CODE 1

144) PFC CODE 2

145) PFC CODE 3

SECTION DD - TAXPAYER INFORMATION

146) TAXPAYER IDENTIFICATION NUMBER (EIN or SSN)

APPLICANT TIN

0

5

5

0

5

2

2

3

3

6

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY CMB 3060-05

REMITTANCE ADVICE (Continuation Sheet)

PAGE NO. 6 OF 10

USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT

SECTION BB - ADDITIONAL APPLICANT INFORMATION

MARION RADIO COMPANY

(10) STREET ADDRESS LINE NO. 1

SUITE 2350

(10) STREET ADDRESS LINE NO. 2

ONE FCC PLACE

(10) CITY

PITTSBURGH

(10) STATE

PA

(10) ZIP CODE

15222

(17) DAYTIME TELEPHONE NUMBER (Include area code)

(412) 263-6725

(10) COUNTRY CODE (if not in N.A.A.)

IF MORE BOXES ARE NEEDED, USE ADDITIONAL FCC 159-C CONTINUATION SHEETS TO LIST EACH SERVICE

SECTION CC - PAYMENT INFORMATION

(10) FEE CODE	(10) PAYMENT TYPE CODE (PTC)	(10) QUANTITY	(10) FEE DOLLARS FOR (PTC) IN BLOCK NO.
WEEK	X G C 7	1	800.00
(20) FCC CODE 1		(20) FCC CODE 2	
1490 KHz		OK, MARION	
(10) FEE CODE	(10) PAYMENT TYPE CODE (PTC)	(10) QUANTITY	(10) FEE DOLLARS FOR (PTC) IN BLOCK NO.
WEEK-PM	M G C 7	1	1,600.00
(20) FCC CODE 1		(20) FCC CODE 2	
106.9 MHz		OK, MARION	
(10) FEE CODE	(10) PAYMENT TYPE CODE (PTC)	(10) QUANTITY	(10) FEE DOLLARS FOR (PTC) IN BLOCK NO.
WOLF	M G C 7	1	800.00
(20) FCC CODE 1		(20) FCC CODE 2	
94.3 MHz		OK, MARION	
(10) FEE CODE	(10) PAYMENT TYPE CODE (PTC)	(10) QUANTITY	(10) FEE DOLLARS FOR (PTC) IN BLOCK NO.
WQTL	M G C 7	1	800.00
(20) FCC CODE 1		(20) FCC CODE 2	
106.3 MHz		OK, OTTAWA	

SECTION DD - TAXPAYER INFORMATION

APPLICANT TIN

0 2 5 1 5 0 6 9 5 4

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB 306DC

REMITTANCE ADVICE (Continuation Sheet)

PAGE NO. 8 OF 10

USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT

SECTION BB - ADDITIONAL APPLICANT INFORMATION

1) APPLICANT NAME (PRINT OR TYPE NAME OF COMPANY OR INDIVIDUAL)

MARION RADIO COMPANY

2) STREET ADDRESS LINE NO. 1

SUITE 2350

3) STREET ADDRESS LINE NO. 2

ONE PFC PLACE

4) CITY

PITTSBURGH

5) STATE

PA

6) ZIP CODE

15222

7) SERVICE TELEPHONE NUMBER (Include Area Code)

(412) 263-6725

8) COUNTRY CODE (If not U.S.A.)

IF MORE BOXES ARE NEEDED, USE ADDITIONAL FCC 159-C CONTINUATION SHEETS TO LIST EACH SERVICE

SECTION CC - PAYMENT INFORMATION

1) FEE CALL IDENTIFIER	2) PAYMENT TYPE CODE (PTC)	3) QUANTITY	4) FEE PER UNIT (FPU) IN BLOCK 200	5) FEE PER UNIT (FPU) IN BLOCK 200
KA-2230	M U B 7	1	25.00	
6) FEE CODE 1		7) FEE CODE 2		
KEM-535	M U B 7	1	25.00	
6) FEE CODE 1		7) FEE CODE 2		
KES-536	M U B 7	1	25.00	
6) FEE CODE 1		7) FEE CODE 2		
KMC-537	M U B 7	1	25.00	
6) FEE CODE 1		7) FEE CODE 2		

SECTION DD - TAXPAYER INFORMATION

1) INDICATE THE BLOCK ONLY IF APPLICABLE

APPLICANT TIN

0 2 5 1 5 0 6 9 5 4

FCC FORM 159-C JULY 1997 (REVISED)

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB 3046-051

REMITTANCE ADVICE (Continuation Sheet)

PAGE NO. 9 OF 10

USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT

SECTION BB - ADDITIONAL APPLICANT INFORMATION

MARTON RADIO COMPANY

FED STREET ADDRESS LINE NO. 1

SUITE 2350

FED STREET ADDRESS LINE NO. 2

ONE FCC PLACE

FED CITY

PITTSBURGH

FED STATE

PA

FED ZIP CODE

15222

FED DAYTIME TELEPHONE NUMBER (Include area code)

(412) 263-6725

FED COUNTRY CODE (If not in table)

IF MORE BOXES ARE NEEDED, USE ADDITIONAL FCC 186-C CONTINUATION SHEETS TO LIST EACH SERVICE

SECTION CC - PAYMENT INFORMATION

FED PAY CALL IDENTIFIER ID

WLF-467

FED PAYMENT TYPE CODE (FPC)

M U B 7

FED QUANTITY

1

FED FEE RATE FOR (FPC) IN BLACK BOX

25.00

FED FPC CODE 1

FED FPC CODE 2

FED PAY CALL IDENTIFIER ID

XC-24903

FED PAYMENT TYPE CODE (FPC)

M U B 7

FED QUANTITY

1

FED FEE RATE FOR (FPC) IN BLACK BOX

25.00

FED FPC CODE 1

FED FPC CODE 2

FED PAY CALL IDENTIFIER ID

WLF-873

FED PAYMENT TYPE CODE (FPC)

M U B 7

FED QUANTITY

1

FED FEE RATE FOR (FPC) IN BLACK BOX

25.00

FED FPC CODE 1

FED FPC CODE 2

FED PAY CALL IDENTIFIER ID

KPB-234

FED PAYMENT TYPE CODE (FPC)

M U B 7

FED QUANTITY

1

FED FEE RATE FOR (FPC) IN BLACK BOX

25.00

FED FPC CODE 1

FED FPC CODE 2

SECTION DD - TAXPAYER INFORMATION

FED TAXPAYER IDENTIFICATION NUMBER (TIN)

APPLICANT TIN

0 2 5 1 5 0 6 9 5 4

FCC FORM 186-C JULY 1997 (REVISED)

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB 3060-02

REMITTANCE ADVICE (Continuation Sheet)

PAGE NO. 10 OF 10

USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT

SECTION BB - ADDITIONAL APPLICANT INFORMATION

(1) APPLICANT NAME (Print or Type Name, Street Address, City, State, and Zip Code)

MARION RADIO COMPANY

(2) STREET ADDRESS (Line 1)

SUITE 2350

(3) STREET ADDRESS (Line 2)

ONE PPG PLACE

(4) CITY

PITTSBURGH

(5) STATE

PA

(6) ZIP CODE

15222

(7) DAYTIME TELEPHONE NUMBER (Include area code)

(412) 263-6725

(8) COUNTRY CODE (If not in U.S.A.)

IF MORE BOXES ARE NEEDED, USE ADDITIONAL FCC 159-C CONTINUATION SHEETS TO LIST EACH SERVICE

SECTION CC - PAYMENT INFORMATION

(1) PAYEE NAME (Print or Type Name)

KX-7961

(2) PAYMENT TYPE CODE (PTC)

M U B 7

(3) QUANTITY

1

(4) FEE PER UNIT (PTC) IN BLOCK 300

25.00

(5) FCC CODE 1

(6) FCC CODE 2

(7) PAYEE NAME (Print or Type Name)

(8) PAYMENT TYPE CODE (PTC)

(9) QUANTITY

(10) FEE PER UNIT (PTC) IN BLOCK 300

(11) FCC CODE 1

(12) FCC CODE 2

(13) FCC CODE 3

(14) PAYEE NAME (Print or Type Name)

(15) PAYMENT TYPE CODE (PTC)

(16) QUANTITY

(17) FEE PER UNIT (PTC) IN BLOCK 300

(18) FCC CODE 1

(19) FCC CODE 2

(20) FCC CODE 3

(21) PAYEE NAME (Print or Type Name)

(22) PAYMENT TYPE CODE (PTC)

(23) QUANTITY

(24) FEE PER UNIT (PTC) IN BLOCK 300

(25) FCC CODE 1

(26) FCC CODE 2

(27) FCC CODE 3

SECTION DD - TAXPAYER INFORMATION

(1) COMPLETE THIS BLOCK ONLY IF SECTION BB IS APPLICABLE

APPLICANT TIN

0 2 5 1 5 0 6 9 5 6

FCC FORM 159-C JULY 1997 (REVISED)

Payment Transactions Detail Report

Date: 6/30/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709238835052001	BURBACH BROADCASTING COMPANY	FCC2046013	09/19/97
	SUITE 2350		
	ONE PPG PLACE		
	PITTSBURGH PA 15222		

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$11,075.00	\$11,075.00	21	MUB7	1	FILENOBQR9	MARION RADIO COMPANY	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	22	MUB7	1	KA2230	MARION RADIO COMPANY	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	4	MUB7	1	KA88817	NITTANY BROADCASTING COMPANY	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	27	MUB7	1	KC24903	MARION RADIO COMPANY	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	19	MUB7	1	KK4909	MARION RADIO COMPANY	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	20	MUB7	1	KK4910	MARION RADIO COMPANY	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	29	MUB7	1	KPH234	MARION RADIO COMPANY	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	23	MUB7	1	KPM536	MARION RADIO COMPANY	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	24	MUB7	1	KPM536	MARION RADIO COMPANY	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	13	MUB7	1	KU6726	PBBC INC	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	10	MUB7	1	KW4063	PBBC INC	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	30	MUB7	1	KX7961	MARION RADIO COMPANY	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	11	MUB7	1	WAH834	PBBC INC	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	8	MUB7	1	WBG578	PBBC INC	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	3	MGF7	1	WBHV	NITTANY BROADCASTING COMPANY	15222		\$1,000.00	1	PMT
\$11,075.00	\$11,075.00	16	MGG7	1	WDIF	MARION RADIO COMPANY	15222		\$800.00	1	PMT
\$11,075.00	\$11,075.00	12	MUB7	1	WHB682	PBBC INC	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	18	MGF7	1	WHMQ	MARION RADIO COMPANY	15222		\$1,000.00	1	PMT
\$11,075.00	\$11,075.00	7	MGI7	1	WKYG	PBBC INC	15222		\$400.00	1	PMT
\$11,075.00	\$11,075.00	28	MUB7	1	WLF873	MARION RADIO COMPANY	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	9	MUB7	1	WLJ397	PBBC INC	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	26	MUB7	1	WLP467	MARION RADIO COMPANY	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	2	MGI7	1	WMAJ	NITTANY BROADCASTING COMPANY	15222		\$400.00	1	PMT
\$11,075.00	\$11,075.00	25	MUB7	1	WMG537	MARION RADIO COMPANY	15222		\$25.00	1	PMT
\$11,075.00	\$11,075.00	14	MGG7	1	WMRN	MARION RADIO COMPANY	15222		\$800.00	1	PMT
\$11,075.00	\$11,075.00	15	MGC7	1	WMRNFN	MARION RADIO COMPANY	15222		\$1,600.00	1	PMT

Payment Transactions Detail Report

Date: 6/30/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709238835052001	BURBACH BROADCASTING COMPANY SUITE 2350 ONE PPG PLACE PITTSBURGH PA 15222	FCC2046013	09/19/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$11,075.00	\$11,075.00	1	MGF7	1	WOHZ	BURBACH BROADCASTING COMPANY	15222		\$1,000.00	1	PMT
\$11,075.00	\$11,075.00	17	MGG7	1	WQTL	MARION RADIO COMPANY	15222		\$800.00	1	PMT
\$11,075.00	\$11,075.00	5	MGC7	1	WXIL	PBBC INC	15222		\$1,600.00	1	PMT
\$11,075.00	\$11,075.00	6	MGE7	1	WXKX	PBBC INC	15222		\$1,200.00	1	PMT
Total	30								\$11,075.00		

Payment Transactions Detail Report

Date: 6/30/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709178835138003	FRITZ COMMUNICATIONS INC 1355 N DUTTON AVENUE SUITE 225 SANTA ROSA CA 95401	FCC2042643	09/15/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$1,675.00	\$1,675.00	2	MUB7	1	KU6726	FRITZ COMMUNICATIONS INC	95401		\$25.00	1	PMT
\$1,675.00	\$1,675.00	3	MUB7	1	WAH834	FRITZ COMMUNICATIONS INC	95401		\$25.00	1	PMT
\$1,675.00	\$1,675.00	5	MUB7	1	WHB682	FRITZ COMMUNICATIONS INC	95401		\$25.00	1	PMT
\$1,675.00	\$1,675.00	4	MGI7	1	WKYG	FRITZ COMMUNICATIONS INC	95401		\$400.00	1	PMT
\$1,675.00	\$1,675.00	1	MGE7	1	WKKX	FRITZ COMMUNICATIONS INC	95401		\$1,200.00	1	PMT
Total	5								\$1,675.00		

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

JUL 14 1998

RECEIVED

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Dale D. Wagner
Senior Vice President
Rifkin & Associates, Inc.
360 South Monroe Street
Denver, CO 80209

Re: Request for Refund of Regulatory Fee
Garden Isle Cablevision, LP
Fee Control # 9709228835046001
Fee Paid: \$4,425.30

Dear Mr. Wagner:

This is in response to your request for a refund of the Fiscal Year (FY) 1997 regulatory fee paid by Garden Isle Cablevision, LP (GIC). GIC conveyed its cablevision system to Garden Isle Telecommunications (GIT). GIT also paid the FY 1997 fee.

GIT as owner of the cable system on the date that payment was due was responsible for the fee. Thus, GIC is entitled to a refund of the duplicate fee payment.

A check, made payable to the maker of the original check, and drawn in the amount of \$4,425.30 will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Thomas M. Holleran
Acting Associate Managing
Director - Financial Operations

9709221835113004

E 9709228835046001

Jeany

September 23, 1997



RIFKIN & ASSOCIATES, INC.

Dale D. Wagner
Senior Vice President -
Finance and Administration

Federal Communications Commission
Attention: Managing Directors Office
1919 M Street, N.W.
Washington, D.C. 20554

Re: FCC Form 159

Dear Sirs:

Attached please find copies of FCC Form 159 representing a **duplicate** filing of FCC User Fees for the cable system serving Kauai, Hawaii. The filing under FCC Call Sign HI0111 was filed by the current owner (purchased July 16, 1997) while the filing under FCC Call Sign HI0011 was filed by the seller.

Due to the late date of the recent rule changes (September 12, 1997) as to whether buyer or seller was liable for the payment, both parties remitted payment.

As seller, we respectfully request a refund of the \$4,425.30 remitted on September 15, 1997. We had mistakenly followed the unrevised rules requiring payment by the cable property owner of record as of December 31, 1996.

Should you require any addition information, please feel free to contact me at anytime.

Kindly acknowledge your receipt and expected timing of refund processing as soon a possible.

Sincerely,

Dale D. Wagner

DDW:rlc
97-9-244

Attachment

cc: Al Fosbenner
Dave Young

REMITTANCE ADVICE (Continuation Sheet)

PAGE NO. 12 OF 60

USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT

SECTION BB - ADDITIONAL APPLICANT INFORMATION

(11) APPLICANT NAME (If paying by credit card, enter name exactly as it appears on your card)

Garden Isle Cablevision, LP

(12) STREET ADDRESS LINE NO. 1

Suite 600

(13) STREET ADDRESS LINE NO. 2

360 S. Monroe Street

(14) CITY

Denver

(15) STATE

CO

(16) ZIP CODE

80209

(17) DAYTIME TELEPHONE NUMBER (include area code)

(303) 333-1215

(18) COUNTRY CODE (If not in U.S.A.)

IF MORE BOXES ARE NEEDED, USE ADDITIONAL FCC 159-C CONTINUATION SHEETS TO LIST EACH SERVICE

SECTION CC - PAYMENT INFORMATION

(19A) FCC CALL SIGN/OTHER ID	(20A) PAYMENT TYPE CODE (PTC)	(21A) QUANTITY	(22A) FEE DUE FOR (PTC) IN BLOCK 20A	FCC USE ONLY
HI0011	T O C 7	8,195	\$4,425.30	
(23A) FCC CODE 1			(24A) FCC CODE 2	
			STATE OF HAWAII	

SECTION DD - TAXPAYER INFORMATION

(25) COMPLETE THIS BLOCK ONLY IF SECTION BB IS APPLICABLE

APPLICANT TIN

0 8 4 1 0 4 7 5 5 6

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

APPROVED BY OMB 3080-0069

(1) LOCKBOX # 358835

PAGE NO. _____ OF _____

SPECIFIC USE

FOR REMITTANCE

GARDEN ISLE TELECOMMUNICATIONS

(3) TOTAL AMOUNT PAID (dollars and cents)
\$ 4,425.00

(4) STREET ADDRESS LINE NO. 1

P O BOX 1028

(5) STREET ADDRESS LINE NO. 2

1111 KEALOHA RD

(6) CITY

KAPAA

(7) STATE

HI

(8) ZIP CODE

96746

(9) DAYTIME TELEPHONE NUMBER (include area code)

(808) 822-4991

(10) COUNTRY CODE (if not in U.S.A.)

(11) ADDITIONAL REMITTANCE INFORMATION (if any)

(12) STREET ADDRESS LINE NO. 1

(13) STREET ADDRESS LINE NO. 2

(14) CITY

(15) STATE

(16) ZIP CODE

(17) DAYTIME TELEPHONE NUMBER (include area code)

(18) COUNTRY CODE (if not in U.S.A.)

(19) FCC CALL SIGNATURE ID

HI0111

T

O

C

7

8195

\$ 4,425.00

(20) FCC CODE 1

(21) FCC CODE 2

KAUAI HI

(22) FCC CALL SIGNATURE ID

(23) COUNTRY TYPE CODE

(24) COUNTRY

(25) PERMIT NUMBER (if not in U.S.A.)

(26) FCC CODE 1

(27) FCC CODE 2

(28) FCC CALL SIGNATURE ID

(29) COUNTRY TYPE CODE

(30) COUNTRY

(31) PERMIT NUMBER (if not in U.S.A.)

(32) FCC CODE 1

(33) FCC CODE 2

(34) FCC CALL SIGNATURE ID

(35) COUNTRY TYPE CODE

(36) COUNTRY

(37) PERMIT NUMBER (if not in U.S.A.)

(38) FCC CODE 1

(39) FCC CODE 2

PAYER TIN

0133903846

APPLICANT TIN

0

I, WILLIAM B HARKINS

(PRINT NAME)

Certify under penalty of perjury that the foregoing and supporting information

are true and correct to the best of my knowledge, information and belief.

SIGNATURE

(40) REMITTANCE OR PAYMENT NUMBER

EXPIRATION DATE

MASTERCARD

12345678901234567890

1234567890

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD

AUTHORIZED SIGNATURE

DATE

Payment Transactions Detail Report

Date: 12/5/97

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709228835113004	GARDEN ISLE TELECOMMUNICATIONS PO BOX 1028 1111 KEACOA ROAD KAPAA HI 96746	FCC2044161	09/17/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$4,425.00	\$4,425.00	1	TOC7	8195	HI0111	GARDEN ISLE TELECOMMUNICATIONS	96746		\$4,425.00	1	PMT
Total									\$4,425.00		

Payment Transactions Detail Report

Date: 8/4/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709228835046001	RIFKIN & ASSOCIATES INC SUITE 600 360 S MONREO STREET DENVER CO 80209	FCC2043979	09/17/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$171,362.04	\$171,362.04	1	TQC7	1	CAR2846608	RIFKIN COMMUNICATIONS PARTNERS	80209		\$65.00	1	PMT
\$171,362.04	\$171,362.04	2	TQC7	1	CAR2846708	RIFKIN COMMUNICATIONS PARTNERS	80209		\$65.00	1	PMT
\$171,362.04	\$171,362.04	3	TQC7	1	CAR2846908	RIFKIN COMMUNICATIONS PARTNERS	80209		\$65.00	1	PMT
\$171,362.04	\$171,362.04	51	TOC7	30195	FL0406	RIFKIN NARRAGANSETT S FL CATV	80209		\$16,305.30	1	PMT
\$171,362.04	\$171,362.04	52	TOC7	2123	FL0407	RIFKIN NARRAGANSETT S FL CATV	80209		\$1,146.42	1	PMT
\$171,362.04	\$171,362.04	53	TOC7	2122	FL0409	RIFKIN NARRAGANSETT S FL CATV	80209		\$1,145.88	1	PMT
\$171,362.04	\$171,362.04	54	TOC7	2103	FL0410	RIFKIN NARRAGANSETT S FL CATV	80209		\$1,135.62	1	PMT
\$171,362.04	\$171,362.04	55	TOC7	1669	FL0411	RIFKIN NARRAGANSETT S FL CATV	80209		\$901.26	1	PMT
\$171,362.04	\$171,362.04	56	TOC7	241	FL0412	RIFKIN NARRAGANSETT S FL CATV	80209		\$130.14	1	PMT
\$171,362.04	\$171,362.04	57	TOC7	5684	FL0413	RIFKIN NARRAGANSETT S FL CATV	80209		\$3,069.36	1	PMT
\$171,362.04	\$171,362.04	4	TOC7	14792	GA0251	CABLE EQUITIES OF COLORADO LTD	80209		\$7,987.68	1	PMT
\$171,362.04	\$171,362.04	5	TOC7	5504	GA0270	CABLE EQUITIES OF COLORADO LTD	80209		\$2,972.16	1	PMT
\$171,362.04	\$171,362.04	6	TOC7	1893	GA0271	CABLE EQUITIES OF COLORADO LTD	80209		\$1,022.22	1	PMT
\$171,362.04	\$171,362.04	7	TOC7	4930	GA0272	CABLE EQUITIES OF COLORADO LTD	80209		\$2,662.20	1	PMT
\$171,362.04	\$171,362.04	8	TOC7	888	GA0273	CABLE EQUITIES OF COLORADO LTD	80209		\$479.52	1	PMT
\$171,362.04	\$171,362.04	9	TOC7	2547	GA0274	CABLE EQUITIES OF COLORADO LTD	80209		\$1,375.38	1	PMT
\$171,362.04	\$171,362.04	10	TOC7	20683	GA0276	CABLE EQUITIES OF COLORADO LTD	80209		\$11,168.82	1	PMT
\$171,362.04	\$171,362.04	11	TOC7	193	GA0324	CABLE EQUITIES OF COLORADO LTD	80209		\$104.22	1	PMT
\$171,362.04	\$171,362.04	12	TOC7	1909	GA0328	CABLE EQUITIES OF COLORADO LTD	80209		\$1,030.86	1	PMT
\$171,362.04	\$171,362.04	13	TOC7	47	GA0872	CABLE EQUITIES OF COLORADO LTD	80209		\$25.38	1	PMT
\$171,362.04	\$171,362.04	39	TOC7	8195	HI0011	GARDEN ISLE CABLEVISION LP	80209		\$4,425.30	1	PMT
\$171,362.04	\$171,362.04	58	TOC7	5206	IL0078	RIFKIN ACQUISITION PARTNERS LL	80209		\$2,811.24	1	PMT
\$171,362.04	\$171,362.04	59	TOC7	6589	IL0079	RIFKIN ACQUISITION PARTNERS LL	80209		\$3,558.06	1	PMT
\$171,362.04	\$171,362.04	40	TOC7	748	IL0087	INDIANA CABLE ASSOCIATES LTD	80209		\$403.92	1	PMT
\$171,362.04	\$171,362.04	41	TOC7	1687	IL0088	INDIANA CABLE ASSOCIATES LTD	80209		\$910.98	1	PMT
\$171,362.04	\$171,362.04	60	TOC7	484	IL0100	RIFKIN ACQUISITION PARTNERS LL	80209		\$261.36	1	PMT

Payment Transactions Detail Report

Date: 8/4/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709228835046001	RIFKIN & ASSOCIATES INC SUITE 600 360 S MONREO STREET DENVER CO 80209	FCC2043979	09/17/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$171,362.04	\$171,362.04	61	TOC7	452	IL0101	RIFKIN ACQUISITION PARTNERS LL	80209		\$244.08	1	PMT
\$171,362.04	\$171,362.04	62	TOC7	549	IL0249	RIFKIN ACQUISITION PARTNERS LL	80209		\$296.46	1	PMT
\$171,362.04	\$171,362.04	63	TOC7	27	IL0252	RIFKIN ACQUISITION PARTNERS LL	80209		\$14.58	1	PMT
\$171,362.04	\$171,362.04	64	TOC7	1464	IL0277	RIFKIN ACQUISITION PARTNERS LL	80209		\$790.56	1	PMT
\$171,362.04	\$171,362.04	65	TOC7	915	IL0280	RIFKIN ACQUISITION PARTNERS LL	80209		\$494.10	1	PMT
\$171,362.04	\$171,362.04	66	TOC7	725	IL0300	RIFKIN ACQUISITION PARTNERS LL	80209		\$391.50	1	PMT
\$171,362.04	\$171,362.04	67	TOC7	209	IL0310	RIFKIN ACQUISITION PARTNERS LL	80209		\$112.86	1	PMT
\$171,362.04	\$171,362.04	68	TOC7	231	IL0747	RIFKIN ACQUISITION PARTNERS LL	80209		\$124.74	1	PMT
\$171,362.04	\$171,362.04	69	TOC7	542	IL0836	RIFKIN ACQUISITION PARTNERS LL	80209		\$292.68	1	PMT
\$171,362.04	\$171,362.04	70	TOC7	582	IL0939	RIFKIN ACQUISITION PARTNERS LL	80209		\$314.28	1	PMT
\$171,362.04	\$171,362.04	71	TOC7	221	IL0940	RIFKIN ACQUISITION PARTNERS LL	80209		\$119.34	1	PMT
\$171,362.04	\$171,362.04	72	TOC7	1252	IL0941	RIFKIN ACQUISITION PARTNERS LL	80209		\$676.08	1	PMT
\$171,362.04	\$171,362.04	73	TOC7	1188	IL0942	RIFKIN ACQUISITION PARTNERS LL	80209		\$641.52	1	PMT
\$171,362.04	\$171,362.04	74	TOC7	861	IL0944	RIFKIN ACQUISITION PARTNERS LL	80209		\$464.94	1	PMT
\$171,362.04	\$171,362.04	75	TOC7	316	IL0945	RIFKIN ACQUISITION PARTNERS LL	80209		\$170.64	1	PMT
\$171,362.04	\$171,362.04	76	TOC7	524	IL1048	RIFKIN ACQUISITION PARTNERS LL	80209		\$282.96	1	PMT
\$171,362.04	\$171,362.04	77	TOC7	414	IL1049	RIFKIN ACQUISITION PARTNERS LL	80209		\$223.56	1	PMT
\$171,362.04	\$171,362.04	78	TOC7	97	IL1076	RIFKIN ACQUISITION PARTNERS LL	80209		\$52.38	1	PMT
\$171,362.04	\$171,362.04	42	TOC7	530	IL1149	INDIANA CABLE ASSOCIATES LTD	80209		\$286.20	1	PMT
\$171,362.04	\$171,362.04	79	TOC7	156	IL1264	RIFKIN ACQUISITION PARTNERS LL	80209		\$84.24	1	PMT
\$171,362.04	\$171,362.04	80	TOC7	187	IL1265	RIFKIN ACQUISITION PARTNERS LL	80209		\$100.98	1	PMT
\$171,362.04	\$171,362.04	81	TOC7	68	IL1266	RIFKIN ACQUISITION PARTNERS LL	80209		\$36.72	1	PMT
\$171,362.04	\$171,362.04	82	TOC7	165	IL1267	RIFKIN ACQUISITION PARTNERS LL	80209		\$89.10	1	PMT
\$171,362.04	\$171,362.04	83	TOC7	237	IL1268	RIFKIN ACQUISITION PARTNERS LL	80209		\$127.98	1	PMT
\$171,362.04	\$171,362.04	84	TOC7	177	IL1269	RIFKIN ACQUISITION PARTNERS LL	80209		\$95.58	1	PMT
\$171,362.04	\$171,362.04	85	TOC7	23	IL1553	RIFKIN ACQUISITION PARTNERS LL	80209		\$12.42	1	PMT

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BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709228835046001	RIFKIN & ASSOCIATES INC SUITE 600 360 S MONREO STREET DENVER CO 80209	FCC2043979	09/17/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$171,362.04	\$171,362.04	86	TOC7	25	IL1554	RIFKIN ACQUISITION PARTNERS LL	80209		\$13.50	1	PMT
\$171,362.04	\$171,362.04	43	TOC7	6937	IN0020	INDIANA CABLE ASSOCIATES LTD	80209		\$3,745.98	1	PMT
\$171,362.04	\$171,362.04	44	TOC7	3852	IN0021	INDIANA CABLE ASSOCIATES LTD	80209		\$2,080.08	1	PMT
\$171,362.04	\$171,362.04	45	TOC7	1853	IN0111	INDIANA CABLE ASSOCIATES LTD	80209		\$1,000.62	1	PMT
\$171,362.04	\$171,362.04	46	TOC7	656	IN0192	INDIANA CABLE ASSOCIATES LTD	80209		\$354.24	1	PMT
\$171,362.04	\$171,362.04	47	TOC7	1276	IN0521	INDIANA CABLE ASSOCIATES LTD	80209		\$689.04	1	PMT
\$171,362.04	\$171,362.04	48	TOC7	118	IN0633	INDIANA CABLE ASSOCIATES LTD	80209		\$63.72	1	PMT
\$171,362.04	\$171,362.04	49	TOC7	192	IN0634	INDIANA CABLE ASSOCIATES LTD	80209		\$103.68	1	PMT
\$171,362.04	\$171,362.04	50	TOC7	236	IN0635	INDIANA CABLE ASSOCIATES LTD	80209		\$127.44	1	PMT
\$171,362.04	\$171,362.04	159	TOC7	1862	KY0039	RIFKIN COMMUNICATIONS PARTNERS	80209		\$1,005.48	1	PMT
\$171,362.04	\$171,362.04	160	TOC7	1483	KY0040	RIFKIN COMMUNICATIONS PARTNERS	80209		\$800.82	1	PMT
\$171,362.04	\$171,362.04	87	TOC7	846	MI0044	RIFKIN ACQUISITION PARTNERS LL	80209		\$456.84	1	PMT
\$171,362.04	\$171,362.04	88	TOC7	265	MI0045	RIFKIN ACQUISITION PARTNERS LL	80209		\$143.10	1	PMT
\$171,362.04	\$171,362.04	89	TOC7	1249	MI0070	RIFKIN ACQUISITION PARTNERS LL	80209		\$674.46	1	PMT
\$171,362.04	\$171,362.04	90	TOC7	255	MI0071	RIFKIN ACQUISITION PARTNERS LL	80209		\$137.70	1	PMT
\$171,362.04	\$171,362.04	91	TOC7	143	MI0462	RIFKIN ACQUISITION PARTNERS LL	80209		\$77.22	1	PMT
\$171,362.04	\$171,362.04	92	TOC7	1710	MI0472	RIFKIN ACQUISITION PARTNERS LL	80209		\$923.40	1	PMT
\$171,362.04	\$171,362.04	93	TOC7	310	MI0473	RIFKIN ACQUISITION PARTNERS LL	80209		\$167.40	1	PMT
\$171,362.04	\$171,362.04	94	TOC7	3166	MI0474	RIFKIN ACQUISITION PARTNERS LL	80209		\$1,709.64	1	PMT
\$171,362.04	\$171,362.04	95	TOC7	102	MI0494	RIFKIN ACQUISITION PARTNERS LL	80209		\$55.08	1	PMT
\$171,362.04	\$171,362.04	96	TOC7	213	MI0495	RIFKIN ACQUISITION PARTNERS LL	80209		\$115.02	1	PMT
\$171,362.04	\$171,362.04	97	TOC7	418	MI0496	RIFKIN ACQUISITION PARTNERS LL	80209		\$225.72	1	PMT
\$171,362.04	\$171,362.04	98	TOC7	477	MI0976	RIFKIN ACQUISITION PARTNERS LL	80209		\$257.58	1	PMT
\$171,362.04	\$171,362.04	99	TOC7	903	MI0977	RIFKIN ACQUISITION PARTNERS LL	80209		\$487.62	1	PMT
\$171,362.04	\$171,362.04	100	TOC7	713	MI0989	RIFKIN ACQUISITION PARTNERS LL	80209		\$385.02	1	PMT
\$171,362.04	\$171,362.04	101	TOC7	117	MI1365	RIFKIN ACQUISITION PARTNERS LL	80209		\$63.18	1	PMT

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Fee Control Number	Payor Name	Account Number	Received Date
9709228835046001	RIFKIN & ASSOCIATES INC SUITE 600 360 S MONREO STREET DENVER CO 80209	FCC2043979	09/17/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$171,362.04	\$171,362.04	102	TOC7	4	MI1366	RIFKIN ACQUISITION PARTNERS LL	80209		\$2.16	1	PMT
\$171,362.04	\$171,362.04	103	TOC7	4	MI1367	RIFKIN ACQUISITION PARTNERS LL	80209		\$2.16	1	PMT
\$171,362.04	\$171,362.04	104	TOC7	51	MI1368	RIFKIN ACQUISITION PARTNERS LL	80209		\$27.54	1	PMT
\$171,362.04	\$171,362.04	105	TOC7	89	MI1369	RIFKIN ACQUISITION PARTNERS LL	80209		\$48.06	1	PMT
\$171,362.04	\$171,362.04	106	TOC7	112	MI1822	RIFKIN ACQUISITION PARTNERS LL	80209		\$60.48	1	PMT
\$171,362.04	\$171,362.04	151	TOC7	3070	MO0033	RIFKIN CABLE INCOME PARTNERS L	80209		\$1,657.80	1	PMT
\$171,362.04	\$171,362.04	152	TOC7	280	MO0460	RIFKIN CABLE INCOME PARTNERS L	80209		\$151.20	1	PMT
\$171,362.04	\$171,362.04	153	TOC7	63	MO0462	RIFKIN CABLE INCOME PARTNERS L	80209		\$34.02	1	PMT
\$171,362.04	\$171,362.04	154	TOC7	212	MO0465	RIFKIN CABLE INCOME PARTNERS L	80209		\$114.48	1	PMT
\$171,362.04	\$171,362.04	155	TOC7	5399	NM0018	RIFKIN CABLE INCOME PARTNERS L	80209		\$2,915.46	1	PMT
\$171,362.04	\$171,362.04	156	TOC7	1675	NM0031	RIFKIN CABLE INCOME PARTNERS L	80209		\$904.50	1	PMT
\$171,362.04	\$171,362.04	157	TOC7	659	NM0032	RIFKIN CABLE INCOME PARTNERS L	80209		\$355.86	1	PMT
\$171,362.04	\$171,362.04	158	TOC7	335	NM0055	RIFKIN CABLE INCOME PARTNERS L	80209		\$180.90	1	PMT
\$171,362.04	\$171,362.04	161	TOC7	921	OH0219	RIFKIN COMMUNICATIONS PARTNERS	80209		\$497.34	1	PMT
\$171,362.04	\$171,362.04	162	TOC7	1522	OH0220	RIFKIN COMMUNICATIONS PARTNERS	80209		\$821.88	1	PMT
\$171,362.04	\$171,362.04	163	TOC7	687	OH0246	RIFKIN COMMUNICATIONS PARTNERS	80209		\$370.98	1	PMT
\$171,362.04	\$171,362.04	164	TOC7	284	OH0592	RIFKIN COMMUNICATIONS PARTNERS	80209		\$153.36	1	PMT
\$171,362.04	\$171,362.04	165	TOC7	207	OH0899	RIFKIN COMMUNICATIONS PARTNERS	80209		\$111.78	1	PMT
\$171,362.04	\$171,362.04	166	TOC7	564	OH1243	RIFKIN COMMUNICATIONS PARTNERS	80209		\$304.56	1	PMT
\$171,362.04	\$171,362.04	167	TOC7	356	OH1472	RIFKIN COMMUNICATIONS PARTNERS	80209		\$192.24	1	PMT
\$171,362.04	\$171,362.04	168	TOC7	103	OH1473	RIFKIN COMMUNICATIONS PARTNERS	80209		\$55.62	1	PMT
\$171,362.04	\$171,362.04	169	TOC7	72	OH1474	RIFKIN COMMUNICATIONS PARTNERS	80209		\$38.88	1	PMT
\$171,362.04	\$171,362.04	170	TOC7	32	OH1475	RIFKIN COMMUNICATIONS PARTNERS	80209		\$17.28	1	PMT
\$171,362.04	\$171,362.04	171	TOC7	494	OH1476	RIFKIN COMMUNICATIONS PARTNERS	80209		\$266.76	1	PMT
\$171,362.04	\$171,362.04	107	TOC7	52	TN0000	RIFKIN ACQUISITION PARTNERS LL	80209		\$28.08	1	PMT
\$171,362.04	\$171,362.04	108	TOC7	211	TN0001	RIFKIN ACQUISITION PARTNERS LL	80209		\$113.94	1	PMT

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Fee Control Number	Payor Name	Account Number	Received Date
9709228835046001	RIFKIN & ASSOCIATES INC SUITE 600 360 S MONREO STREET DENVER CO 80209	FCC2043979	09/17/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$171,362.04	\$171,362.04	207	TOC7	6440	TN0015	RIFKIN TENNESSEE LTD	80209		\$3,477.60	1	PMT
\$171,362.04	\$171,362.04	208	TOC7	11536	TN0016	RIFKIN TENNESSEE LTD	80209		\$6,229.44	1	PMT
\$171,362.04	\$171,362.04	109	TOC7	3151	TN0026	RIFKIN ACQUISITION PARTNERS LL	80209		\$1,701.54	1	PMT
\$171,362.04	\$171,362.04	110	TOC7	4174	TN0032	RIFKIN ACQUISITION PARTNERS LL	80209		\$2,253.96	1	PMT
\$171,362.04	\$171,362.04	111	TOC7	4871	TN0033	RIFKIN ACQUISITION PARTNERS LL	80209		\$2,630.34	1	PMT
\$171,362.04	\$171,362.04	209	TOC7	4038	TN0034	RIFKIN TENNESSEE LTD	80209		\$2,180.52	1	PMT
\$171,362.04	\$171,362.04	172	TOC7	860	TN0038	RIFKIN COMMUNICATIONS PARTNERS	80209		\$464.40	1	PMT
\$171,362.04	\$171,362.04	112	TOC7	3254	TN0039	RIFKIN ACQUISITION PARTNERS LL	80209		\$1,757.16	1	PMT
\$171,362.04	\$171,362.04	210	TOC7	8520	TN0040	RIFKIN TENNESSEE LTD	80209		\$4,600.80	1	PMT
\$171,362.04	\$171,362.04	113	TOC7	1848	TN0044	RIFKIN ACQUISITION PARTNERS LL	80209		\$997.92	1	PMT
\$171,362.04	\$171,362.04	211	TOC7	1068	TN0090	RIFKIN TENNESSEE LTD	80209		\$576.72	1	PMT
\$171,362.04	\$171,362.04	114	TOC7	718	TN0128	RIFKIN ACQUISITION PARTNERS LL	80209		\$387.72	1	PMT
\$171,362.04	\$171,362.04	173	TOC7	994	TN0158	RIFKIN COMMUNICATIONS PARTNERS	80209		\$536.76	1	PMT
\$171,362.04	\$171,362.04	115	TOC7	4983	TN0193	RIFKIN ACQUISITION PARTNERS LL	80209		\$2,690.82	1	PMT
\$171,362.04	\$171,362.04	116	TOC7	507	TN0194	RIFKIN ACQUISITION PARTNERS LL	80209		\$273.78	1	PMT
\$171,362.04	\$171,362.04	117	TOC7	167	TN0195	RIFKIN ACQUISITION PARTNERS LL	80209		\$90.18	1	PMT
\$171,362.04	\$171,362.04	118	TOC7	1564	TN0196	RIFKIN ACQUISITION PARTNERS LL	80209		\$844.56	1	PMT
\$171,362.04	\$171,362.04	119	TOC7	504	TN0197	RIFKIN ACQUISITION PARTNERS LL	80209		\$272.16	1	PMT
\$171,362.04	\$171,362.04	120	TOC7	259	TN0198	RIFKIN ACQUISITION PARTNERS LL	80209		\$139.86	1	PMT
\$171,362.04	\$171,362.04	121	TOC7	348	TN0200	RIFKIN ACQUISITION PARTNERS LL	80209		\$187.92	1	PMT
\$171,362.04	\$171,362.04	122	TOC7	4119	TN0201	RIFKIN ACQUISITION PARTNERS LL	80209		\$2,224.26	1	PMT
\$171,362.04	\$171,362.04	212	TOC7	535	TN0207	RIFKIN TENNESSEE LTD	80209		\$288.90	1	PMT
\$171,362.04	\$171,362.04	213	TOC7	1280	TN0208	RIFKIN TENNESSEE LTD	80209		\$691.20	1	PMT
\$171,362.04	\$171,362.04	214	TOC7	2913	TN0209	RIFKIN TENNESSEE LTD	80209		\$1,573.02	1	PMT
\$171,362.04	\$171,362.04	215	TOC7	107	TN0210	RIFKIN TENNESSEE LTD	80209		\$57.78	1	PMT
\$171,362.04	\$171,362.04	216	TOC7	829	TN0211	RIFKIN TENNESSEE LTD	80209		\$447.66	1	PMT

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Fee Control Number	Payor Name	Account Number	Received Date
9709228835046001	RIFKIN & ASSOCIATES INC SUITE 600 360 S MONREO STREET DENVER CO 80209	FCC2043979	09/17/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$171,362.04	\$171,362.04	217	TOC7	444	TN0212	RIFKIN TENNESSEE LTD	80209		\$239.76	1	PMT
\$171,362.04	\$171,362.04	218	TOC7	2205	TN0213	RIFKIN TENNESSEE LTD	80209		\$1,190.70	1	PMT
\$171,362.04	\$171,362.04	219	TOC7	5866	TN0214	RIFKIN TENNESSEE LTD	80209		\$3,167.64	1	PMT
\$171,362.04	\$171,362.04	123	TOC7	416	TN0255	RIFKIN ACQUISITION PARTNERS LL	80209		\$224.64	1	PMT
\$171,362.04	\$171,362.04	124	TOC7	3132	TN0274	RIFKIN ACQUISITION PARTNERS LL	80209		\$1,691.28	1	PMT
\$171,362.04	\$171,362.04	125	TOC7	542	TN0275	RIFKIN ACQUISITION PARTNERS LL	80209		\$292.68	1	PMT
\$171,362.04	\$171,362.04	126	TOC7	167	TN0333	RIFKIN ACQUISITION PARTNERS LL	80209		\$90.18	1	PMT
\$171,362.04	\$171,362.04	127	TOC7	452	TN0334	RIFKIN ACQUISITION PARTNERS LL	80209		\$244.08	1	PMT
\$171,362.04	\$171,362.04	128	TOC7	189	TN0335	RIFKIN ACQUISITION PARTNERS LL	80209		\$102.06	1	PMT
\$171,362.04	\$171,362.04	129	TOC7	1079	TN0336	RIFKIN ACQUISITION PARTNERS LL	80209		\$582.66	1	PMT
\$171,362.04	\$171,362.04	130	TOC7	1320	TN0337	RIFKIN ACQUISITION PARTNERS LL	80209		\$712.80	1	PMT
\$171,362.04	\$171,362.04	131	TOC7	302	TN0360	RIFKIN ACQUISITION PARTNERS LL	80209		\$163.08	1	PMT
\$171,362.04	\$171,362.04	132	TOC7	124	TN0362	RIFKIN ACQUISITION PARTNERS LL	80209		\$66.96	1	PMT
\$171,362.04	\$171,362.04	133	TOC7	56	TN0387	RIFKIN ACQUISITION PARTNERS LL	80209		\$30.24	1	PMT
\$171,362.04	\$171,362.04	134	TOC7	182	TN0388	RIFKIN ACQUISITION PARTNERS LL	80209		\$98.28	1	PMT
\$171,362.04	\$171,362.04	220	TOC7	587	TN0397	RIFKIN TENNESSEE LTD	80209		\$316.98	1	PMT
\$171,362.04	\$171,362.04	135	TOC7	167	TN0401	RIFKIN ACQUISITION PARTNERS LL	80209		\$90.18	1	PMT
\$171,362.04	\$171,362.04	136	TOC7	542	TN0405	RIFKIN ACQUISITION PARTNERS LL	80209		\$292.68	1	PMT
\$171,362.04	\$171,362.04	137	TOC7	3558	TN0409	RIFKIN ACQUISITION PARTNERS LL	80209		\$1,921.32	1	PMT
\$171,362.04	\$171,362.04	221	TOC7	282	TN0492	RIFKIN TENNESSEE LTD	80209		\$152.28	1	PMT
\$171,362.04	\$171,362.04	222	TOC7	648	TN0493	RIFKIN TENNESSEE LTD	80209		\$349.92	1	PMT
\$171,362.04	\$171,362.04	223	TOC7	293	TN0494	RIFKIN TENNESSEE LTD	80209		\$158.22	1	PMT
\$171,362.04	\$171,362.04	138	TOC7	272	TN0502	RIFKIN ACQUISITION PARTNERS LL	80209		\$146.88	1	PMT
\$171,362.04	\$171,362.04	139	TOC7	44	TN0503	RIFKIN ACQUISITION PARTNERS LL	80209		\$23.76	1	PMT
\$171,362.04	\$171,362.04	140	TOC7	98	TN0504	RIFKIN ACQUISITION PARTNERS LL	80209		\$52.92	1	PMT
\$171,362.04	\$171,362.04	141	TOC7	112	TN0505	RIFKIN ACQUISITION PARTNERS LL	80209		\$60.48	1	PMT

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9709228835046001	RIFKIN & ASSOCIATES INC SUITE 600 360 S MONREO STREET DENVER CO 80209	FCC2043979	09/17/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$171,362.04	\$171,362.04	142	TOC7	280	TN0506	RIFKIN ACQUISITION PARTNERS LL	80209		\$151.20	1	PMT
\$171,362.04	\$171,362.04	143	TOC7	170	TN0507	RIFKIN ACQUISITION PARTNERS LL	80209		\$91.80	1	PMT
\$171,362.04	\$171,362.04	144	TOC7	46	TN0530	RIFKIN ACQUISITION PARTNERS LL	80209		\$24.84	1	PMT
\$171,362.04	\$171,362.04	145	TOC7	1611	TN0534	RIFKIN ACQUISITION PARTNERS LL	80209		\$869.94	1	PMT
\$171,362.04	\$171,362.04	146	TOC7	147	TN0577	RIFKIN ACQUISITION PARTNERS LL	80209		\$79.38	1	PMT
\$171,362.04	\$171,362.04	147	TOC7	85	TN0629	RIFKIN ACQUISITION PARTNERS LL	80209		\$45.90	1	PMT
\$171,362.04	\$171,362.04	224	TOC7	253	TN0630	RIFKIN TENNESSEE LTD	80209		\$136.62	1	PMT
\$171,362.04	\$171,362.04	148	TOC7	1198	TN0631	RIFKIN ACQUISITION PARTNERS LL	80209		\$646.92	1	PMT
\$171,362.04	\$171,362.04	225	TOC7	934	TN0636	RIFKIN TENNESSEE LTD	80209		\$504.36	1	PMT
\$171,362.04	\$171,362.04	149	TOC7	248	TN0637	RIFKIN ACQUISITION PARTNERS LL	80209		\$133.92	1	PMT
\$171,362.04	\$171,362.04	150	TOC7	721	TN0658	RIFKIN ACQUISITION PARTNERS LL	80209		\$389.34	1	PMT
\$171,362.04	\$171,362.04	174	TOC7	1296	VA0047	RIFKIN COMMUNICATIONS PARTNERS	80209		\$699.84	1	PMT
\$171,362.04	\$171,362.04	14	TOC7	1363	VA0055	CABLE EQUITIES OF THE VIRGINIA	80209		\$736.02	1	PMT
\$171,362.04	\$171,362.04	175	TOC7	341	VA0063	RIFKIN COMMUNICATIONS PARTNERS	80209		\$184.14	1	PMT
\$171,362.04	\$171,362.04	176	TOC7	349	VA0064	RIFKIN COMMUNICATIONS PARTNERS	80209		\$188.46	1	PMT
\$171,362.04	\$171,362.04	15	TOC7	310	VA0123	CABLE EQUITIES OF THE VIRGINIA	80209		\$167.40	1	PMT
\$171,362.04	\$171,362.04	177	TOC7	409	VA0197	RIFKIN COMMUNICATIONS PARTNERS	80209		\$220.86	1	PMT
\$171,362.04	\$171,362.04	178	TOC7	893	VA0212	RIFKIN COMMUNICATIONS PARTNERS	80209		\$482.22	1	PMT
\$171,362.04	\$171,362.04	179	TOC7	2576	VA0213	RIFKIN COMMUNICATIONS PARTNERS	80209		\$1,391.04	1	PMT
\$171,362.04	\$171,362.04	180	TOC7	446	VA0234	RIFKIN COMMUNICATIONS PARTNERS	80209		\$240.84	1	PMT
\$171,362.04	\$171,362.04	16	TOC7	1852	VA0345	CABLE EQUITIES OF THE VIRGINIA	80209		\$1,000.08	1	PMT
\$171,362.04	\$171,362.04	17	TOC7	382	VA0372	CABLE EQUITIES OF THE VIRGINIA	80209		\$206.28	1	PMT
\$171,362.04	\$171,362.04	18	TOC7	746	VA0401	CABLE EQUITIES OF THE VIRGINIA	80209		\$402.84	1	PMT
\$171,362.04	\$171,362.04	181	TOC7	116	VA0573	RIFKIN COMMUNICATIONS PARTNERS	80209		\$62.64	1	PMT
\$171,362.04	\$171,362.04	19	TOC7	911	WV0002	CABLE EQUITIES OF THE VIRGINIA	80209		\$491.94	1	PMT
\$171,362.04	\$171,362.04	182	TOC7	1138	WV0081	RIFKIN COMMUNICATIONS PARTNERS	80209		\$614.52	1	PMT

Payment Transactions Detail Report

Date: 8/4/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709228835046001	RIFKIN & ASSOCIATES INC SUITE 600 360 S MONREO STREET DENVER CO 80209	FCC2043979	09/17/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$171,362.04	\$171,362.04	183	TOC7	571	WV0083	RIFKIN COMMUNICATIONS PARTNERS	80209		\$308.34	1	PMT
\$171,362.04	\$171,362.04	184	TOC7	1107	WV0093	RIFKIN COMMUNICATIONS PARTNERS	80209		\$597.78	1	PMT
\$171,362.04	\$171,362.04	20	TOC7	896	WV0159	CABLE EQUITIES OF THE VIRGINIA	80209		\$483.84	1	PMT
\$171,362.04	\$171,362.04	21	TOC7	1268	WV0160	CABLE EQUITIES OF THE VIRGINIA	80209		\$684.72	1	PMT
\$171,362.04	\$171,362.04	22	TOC7	430	WV0161	CABLE EQUITIES OF THE VIRGINIA	80209		\$232.20	1	PMT
\$171,362.04	\$171,362.04	23	TOC7	3031	WV0163	CABLE EQUITIES OF THE VIRGINIA	80209		\$1,636.74	1	PMT
\$171,362.04	\$171,362.04	24	TOC7	1736	WV0164	CABLE EQUITIES OF THE VIRGINIA	80209		\$937.44	1	PMT
\$171,362.04	\$171,362.04	25	TOC7	547	WV0166	CABLE EQUITIES OF THE VIRGINIA	80209		\$295.38	1	PMT
\$171,362.04	\$171,362.04	185	TOC7	690	WV0171	RIFKIN COMMUNICATIONS PARTNERS	80209		\$372.60	1	PMT
\$171,362.04	\$171,362.04	186	TOC7	440	WV0177	RIFKIN COMMUNICATIONS PARTNERS	80209		\$237.60	1	PMT
\$171,362.04	\$171,362.04	26	TOC7	240	WV0324	CABLE EQUITIES OF THE VIRGINIA	80209		\$129.60	1	PMT
\$171,362.04	\$171,362.04	27	TOC7	121	WV0325	CABLE EQUITIES OF THE VIRGINIA	80209		\$65.34	1	PMT
\$171,362.04	\$171,362.04	28	TOC7	39	WV0326	CABLE EQUITIES OF THE VIRGINIA	80209		\$21.06	1	PMT
\$171,362.04	\$171,362.04	187	TOC7	575	WV0364	RIFKIN COMMUNICATIONS PARTNERS	80209		\$310.50	1	PMT
\$171,362.04	\$171,362.04	188	TOC7	1881	WV0366	RIFKIN COMMUNICATIONS PARTNERS	80209		\$1,015.74	1	PMT
\$171,362.04	\$171,362.04	189	TOC7	1458	WV0372	RIFKIN COMMUNICATIONS PARTNERS	80209		\$787.32	1	PMT
\$171,362.04	\$171,362.04	190	TOC7	1396	WV0388	RIFKIN COMMUNICATIONS PARTNERS	80209		\$753.84	1	PMT
\$171,362.04	\$171,362.04	191	TOC7	1317	WV0404	RIFKIN COMMUNICATIONS PARTNERS	80209		\$711.18	1	PMT
\$171,362.04	\$171,362.04	192	TOC7	397	WV0480	RIFKIN COMMUNICATIONS PARTNERS	80209		\$214.38	1	PMT
\$171,362.04	\$171,362.04	193	TOC7	276	WV0481	RIFKIN COMMUNICATIONS PARTNERS	80209		\$149.04	1	PMT
\$171,362.04	\$171,362.04	194	TOC7	462	WV0491	RIFKIN COMMUNICATIONS PARTNERS	80209		\$249.48	1	PMT
\$171,362.04	\$171,362.04	195	TOC7	431	WV0492	RIFKIN COMMUNICATIONS PARTNERS	80209		\$232.74	1	PMT
\$171,362.04	\$171,362.04	196	TOC7	106	WV0493	RIFKIN COMMUNICATIONS PARTNERS	80209		\$57.24	1	PMT
\$171,362.04	\$171,362.04	29	TOC7	302	WV0523	CABLE EQUITIES OF THE VIRGINIA	80209		\$163.08	1	PMT
\$171,362.04	\$171,362.04	197	TOC7	142	WV0527	RIFKIN COMMUNICATIONS PARTNERS	80209		\$76.68	1	PMT
\$171,362.04	\$171,362.04	198	TOC7	1110	WV0528	RIFKIN COMMUNICATIONS PARTNERS	80209		\$599.40	1	PMT

Payment Transactions Detail Report

Date: 8/4/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709228835046001	RIFKIN & ASSOCIATES INC SUITE 600 360 S MONREO STREET DENVER CO 80209	FCC2043979	09/17/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$171,362.04	\$171,362.04	199	TOC7	387	WV0654	RIFKIN COMMUNICATIONS PARTNERS	80209		\$208.98	1	PMT
\$171,362.04	\$171,362.04	200	TOC7	112	WV0618	RIFKIN COMMUNICATIONS PARTNERS	80209		\$60.48	1	PMT
\$171,362.04	\$171,362.04	30	TOC7	71	WV0734	CABLE EQUITIES OF THE VIRGINIA	80209		\$38.34	1	PMT
\$171,362.04	\$171,362.04	31	TOC7	358	WV0738	CABLE EQUITIES OF THE VIRGINIA	80209		\$193.32	1	PMT
\$171,362.04	\$171,362.04	201	TOC7	410	WV0750	RIFKIN COMMUNICATIONS PARTNERS	80209		\$221.40	1	PMT
\$171,362.04	\$171,362.04	32	TOC7	600	WV0801	CABLE EQUITIES OF THE VIRGINIA	80209		\$324.00	1	PMT
\$171,362.04	\$171,362.04	33	TOC7	167	WV0808	CABLE EQUITIES OF THE VIRGINIA	80209		\$90.18	1	PMT
\$171,362.04	\$171,362.04	34	TOC7	983	WV0809	CABLE EQUITIES OF THE VIRGINIA	80209		\$530.82	1	PMT
\$171,362.04	\$171,362.04	35	TOC7	542	WV0812	CABLE EQUITIES OF THE VIRGINIA	80209		\$292.68	1	PMT
\$171,362.04	\$171,362.04	36	TOC7	88	WV0817	CABLE EQUITIES OF THE VIRGINIA	80209		\$47.52	1	PMT
\$171,362.04	\$171,362.04	202	TOC7	58	WV0878	RIFKIN COMMUNICATIONS PARTNERS	80209		\$31.32	1	PMT
\$171,362.04	\$171,362.04	203	TOC7	50	WV0879	RIFKIN COMMUNICATIONS PARTNERS	80209		\$27.00	1	PMT
\$171,362.04	\$171,362.04	204	TOC7	60	WV0880	RIFKIN COMMUNICATIONS PARTNERS	80209		\$32.40	1	PMT
\$171,362.04	\$171,362.04	205	TOC7	388	WV0881	RIFKIN COMMUNICATIONS PARTNERS	80209		\$209.52	1	PMT
\$171,362.04	\$171,362.04	37	TOC7	149	WV1145	CABLE EQUITIES OF THE VIRGINIA	80209		\$80.46	1	PMT
\$171,362.04	\$171,362.04	38	TOC7	235	WV1162	CABLE EQUITIES OF THE VIRGINIA	80209		\$126.90	1	PMT
\$171,362.04	\$171,362.04	206	TOC7	483	WV1163	RIFKIN COMMUNICATIONS PARTNERS	80209		\$260.82	1	PMT
Total	225								\$171,362.04		

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

August 6, 1998

OFFICE OF
MANAGING DIRECTOR

RECEIVED

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Michael J. Gerardi
President
Gerardi Broadcasting Corp.
P.O. Box 231
Putnam, CT 06260

Re: Request for Refund of Regulatory Fee
Fee Control # 9709238835327006
Fee Paid: \$1,250

Dear Mr. Gerardi:

This is in response to your request for a refund of the Fiscal Year (FY) 1997 regulatory fee for AM Radio Station WINY, Putnam, Connecticut. Please excuse our failure to respond to your request in a more timely manner.

You argue that the fee for your station had been increased by about 362%, and that the fee was based on service to an unrealistically inflated population base.

Congress established the total amount of fees that we are to collect for all services for FY 1997 and our fee schedule is formulated to spread the burden of the total fee requirement equitably among the various categories of fee payers, including broadcast licensees. The FY 1997 regulatory fees for all AM stations were derived by calculating the populations within the 0.5 mV/m contour of each individual station, which is their daytime protected service contour. The 0.5 mV/m contour extends beyond and includes populations not within a licensee's primary service area. However, as a matter of equity, recalculating a station's service area using a different contour for measuring population would require recalculating the service areas, populations, and fees, at a minimum, for all radio broadcast stations, in order to insure the Commission's ability to collect the required amount in fees and that licensees are treated equally.

We recognize that some broadcasters believe that the city grade contour which each licensee is required to place over its community of license may be a better reflection of the "core" population served by that station, and we have decided to use the city grade contour to calculate FY 1998 radio regulatory fees. However, the 0.5 mV/m contour is appropriate for calculating the FY 1997 regulatory fees because that contour represents the area in which listeners receive the station's protected signal. Thus, the Commission will not reduce, on an ad hoc basis, an individual

Mr. Michael J. Gerardi

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station's regulatory fee solely because its population served would be lower had we relied on a different service contour.

Thus, your request for reduction and refund of the FY 1997 regulatory fee is denied. If you have any questions concerning the regulatory fees, please call the Chief, Fee Section at (202) 418-1995.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Reger", with a stylized flourish at the end.

Mark Reger
Chief Financial Officer

Gerardi
Winy
1350am

5000 WATTS
IN STEREO

GERARDI BROADCASTING CORP. • P.O. BOX 231, PUTNAM, CT 06260 • (860) 928-1350

October 7, 1997

Federal Communications Commission
 Regulatory Fees
 P.O. Box 358835
 Pittsburgh, PA 15251-5835

Gentlemen,

I am writing in response to the increase in regulatory fees for WINY. The filing fee codes are MGE7 and MUB7.

I strongly protest to being forced to pay this unprecedented increase in regulatory fees. I have paid the full amount due of \$1,250.00 and am requesting a refund.

While a modest increase in regulatory fees is not a problem, the idea of a 362 per cent increase is outrageous and heavy-handed. No expense in the real world of business goes up that much in one single year.

The methods employed by the FCC to determine our fees is not realistic. Imagine the delight of our sales staff upon being informed that according to the FCC, our little 5,000 watt station with a whopping 79 watts at night reaches 1.7 million people. Our city of license is under 7,000 people. Our county is under 100,000 people. We are not reaching 1.7 million people. Furthermore, we have the highest unemployment rate in the state, our business community is being ravaged by "Wal-Mart" and other predatory type businesses - all of whom do not use local radio. The competing stations in our market have been purchased by large radio companies who fire the local staff, cut out local service and put the satellite on the air. We struggle to remain local and live, to keep our news staff intact and to do what we were licensed to do - serve our community. We are not investors out to maximize profits at any cost, we are broadcasters who got into the business to serve our local community. For a true small market station like ours, \$1,250.00 is a lot of money and is not an easy bill to pay. Being told by the FCC that we are charged that rate because we reach 1.7 million people simply adds insult to injury.

I am asking you to reconsider our increased regulatory fees and to send a refund as soon as possible.

Sincerely,

GERARDI BROADCASTING CORP.

Michael J. Gerardi

Michael J. Gerardi
 President/General Manager

Payment Transactions Detail Report

Date: 8/5/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709238835327006	GERARDI BROADCASTING CORP 45 POMFRET STREET PUTNAM CT 06260	FCC2046565	09/19/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$1,250.00	\$1,250.00	1	MGE7	1	WINY	GERARDI BROADCASTING CORP	06260		\$1,200.00	1	PMT
\$1,250.00	\$1,250.00	2	MUB7	2	WINYAUXIL	GERARDI BROADCASTING CORP	06260		\$50.00	1	PMT
Total	2								\$1,250.00		

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

June 30, 1998

OFFICE OF
MANAGING DIRECTOR

RECEIVED

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

David Tillotson, Esquire
3421 M Street, N.W. , #1739
Washington, D.C. 20007

Re: Fee Control # 9511138195867001

Dear Mr. Tillotson:

This will respond to your request for refund of an application fee submitted on behalf of Glacier Communications, Inc. (Glacier) in connection with its application for a new FM station to operate on Channel 229C2 at Anchorage, Alaska.

You maintain that, due to the freeze on processing mutually exclusive broadcast applications, as a consequence of the decision by the United States Court of Appeals in Bechtel v. FCC, 957 F. 2d 929 (D.C. Cir. 1992), Glacier's application has never received any processing. Further, you state that, pursuant to amendments to the Communications Act which were enacted as a part of the Balanced Budget Act of 1997, the Commission is no longer authorized to award new broadcast channels by comparative hearing. Instead, it is required to award mutually exclusive broadcast channels by auction. In light of this change by which the Anchorage channel is to be awarded, Glacier and the competing applicants entered into a settlement agreement, filed with the Commission on January 30, 1998, in which it has agreed to dismiss its application in consideration of a monetary payment. You contend that Glacier is entitled to a refund of its application fee since its application has not been processed to date and, in view of the requested dismissal of its application, will receive no processing. Moreover, you argue that a refund is due because the Commission has modified its methodology for selection of broadcast station licensees.

The Commission's rules do not provide for refund of a filing fee upon the filing or the grant of a motion to withdraw an application pursuant to a settlement agreement. See letter to David Tillotson, Esquire from Linda Blair, Chief, Audio Services Division, granting, inter alia, Glacier's motion to dismiss. Moreover, the Commission has explicitly stated that a refund will not be granted once an application has cleared the fee review process, except in certain circumstances enumerated in Section 1.1113 of the Commission's Rules. 47 C.F.R. 1.1113. Section 1.1113(a)(4) of the Rules provides for refund of a filing fee when either a change in the rules or in the law nullify an application already accepted for filing. In the case of Glacier,

David Tillotson, Esquire

2.

however, because its application was dismissed on its own volition as part of a settlement agreement rather than as a consequence of a change in the rules or the law rendering it a nullity, no refund is due.

Thus, your request is denied.

Sincerely,



Thomas M. Holleran
Acting Associate Managing
Director - Financial Operations

9511138195867001

DAVID TILLOTSON
Attorney at Law

3421 M Street, N.W., #1739
Washington, D.C. 20007

Telephone: (202) 625-6241
Facsimile: (202) 965-2018

February 11, 1998

Mr. Andrew Fishel, Managing Director
Federal Communications Commission
1919 M Street, N.W., Room 852
Washington, DC 20554

Re: Request for Filing Fee Refund -BPH-951113MP

Dear Mr. Fishel:

I am writing on behalf of Glacier Communications, Inc. ("Glacier") to request a refund of the \$2,335.00 filing fee that Glacier paid in connection with its above-referenced application for a new FM station to operate on Channel 229C2 at Anchorage, Alaska..

The Commission charges filing fees for applications for new broadcast facilities to defray its costs of processing applications. Because of the freeze on processing mutually exclusive applications which has been in effect as a consequence of the decision of the United States Court of Appeals in *Bechtel v. FCC*, 957 F. 2d 929 (D.C. Cir. 1992). Glacier's application has never received any processing. Moreover, at the time Glacier filed its application, it did so in response to a window filing notice which stated that the Anchorage channel would be awarded by comparative hearing. However, pursuant to amendments to the Communications Act which were enacted as part of the Balanced Budget Act of 1997, the Commission is no longer authorized to award new broadcast channels by comparative hearing. Instead, is required to award them by auction. In light of this change in the procedures by which the Anchorage channel is to be awarded, Glacier has entered into a settlement with the other applicants for the channel pursuant to which it has agreed to dismiss its application in consideration of receiving a monetary payment. A Joint Petition for approval of this Settlement was filed with the Commission on or about January 30, 1998.

As Glacier's application has received no processing, and will not receive any processing in view of the fact that Glacier has requested dismissal of its application, there is no basis for the Commission to retain Glacier's filing fee which was paid to defray the costs of the processing that its application will never receive. It is particularly appropriate that the Commission should refund Glacier's filing fee since Glacier's decision to withdraw its application resulted from a fundamental change in the methodology that the Commission will use to award the Anchorage

channel that was made long after Glacier's application was filed. In these circumstances, it would be fair to say that the fee was collected from Glacier under false pretenses. Accordingly, it is requested that Glacier's \$2,335.00 filing fee for its Glacier FM application be promptly refunded.

If you have any questions concerning this request, please call me.

Sincerely,



David Tillotson

c: C.F. Dunham (via fax)

Payment Transactions Detail Report

Date: 3/13/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9511138195867001	TILLOTSON, DAVID 3421 M STREET NW SUITE 1739 WASHINGTON DC 20007	FCC18539	11/10/95

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$2,335.00	\$2,335.00	1	MTR	1	NEW	GLACIER COMMUNICATIONS INC	99567		\$2,335.00	2	PMT
Total									\$2,335.00		